



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.601 OF 2024

Sachin s/o Janardhan Borkar

Vs.

State of Maharashtra, Through Police Station, Beltrodi, District Nagpur

AND

CRIMINAL APPLICATION (ABA) NO.591 OF 2024

Manish s/o Anandwardhan Trivedi

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Beltrodi, District Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Rajnish Vyas, Counsel for the applicant in ABA No.601/2024.
Mrs. M. A. Barabde, APP for non-applicant /State in both applications.
Mr. P. J. Mehta, Counsel for assist to prosecution in both applications.
Mr. C. G. Barapatre, Counsel for the applicant in ABA No.591/2024.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/09/2024

1. Apprehending the arrest at the hands of police, in connection with Crime No.449/2024 registered with Police Station, Beltarodi, Nagpur City for the offence punishable under Sections 420, 467 and 468 of the Indian Penal Code, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. The applicant in Criminal Application (ABA) No.591/2024 is the President of Mamta Co-operative

Housing Society, whereas the applicant in Criminal Application (ABA) No.601/2024 is one of the purchaser. The allegations levelled against the applicants is on the basis of the report lodged by one Sandhya Pradeep Salve, who is one of the legal heirs of Sukhdeo Chindhuji Vaidya. The said Sukhdeo Chindhuji Vaidya was the original owner of Khasara No. 60, admeasuring 0.81 HR situated at Beltrodi. It is alleged that after the death of her father, her mother Sulochana and her brother Rajendra Vaidya prepared forged relinquishment deed and executed the sale-deed in favour of Mamta Cooperating Housing Society. Now, the said Sulochana Sukhdeo Vaidya and Rajendra Sukhdeo Vaidya, both are not alive. It is further alleged that the present applicant who is the purchaser and the other applicant who is the President of Mamta Cooperative Housing Society, in connivance with each other relied upon the said relinquishment deed and disposed of the property and therefore, they are arraigned as an accused.

3. Learned Counsels for the applicants submitted that, as far as the recitals of the FIR is concerned, the allegation of forgery and cheating is against Sulochana and Rajendra, who are not alive now. As far as the applicant in Criminal Application (ABA) No.591/2024 is concerned, who has purchased the said land from Mamta Cooperative Housing Society and the other applicant who has purchased the said land from the Mamta Cooperative Housing

Society. In fact, they have not played any role as far as the forgery of the documents is concerned. On the basis of the documents, they have purchased the same, therefore their custodial interrogation is not required. In view of that, they be protected by granting anticipatory bail.

4. Learned APP and learned Counsel for the complainant strongly opposed the said application on the ground that on the basis of said forged relinquishment deed the other owners have executed the sale deed in favour of the Mamta Cooperative Housing Society and subsequently, in favour of the other applicant i.e. Sachin Janardhan Borkar. The informant is having share in the said property and on the basis of the said relinquishment deed, her share was denied. The custodial interrogation of the present applicants is required to ascertain the facts regarding the relinquishment deed. In view of that the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as other investigation papers. As far as the forgery of the document is concerned, wherein regarding the same the allegations are made against the Sulochana and Rajendra who are not alive. As far as the role of the present applicants is concerned, which is only to the extent of purchasing the property from the owners

who are the legal heirs of the original owner. Thus, their custodial interrogation is not at all required. As far as the interrogation part is concerned, which can be taken care of by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

(i) The interim protection granted to the present applicants by order dated 14.08.2024 and 19.08.2024 in connection with Crime No.449/2024 registered with Police Station Beltarodi, Nagpur City for the offence punishable under Sections 420, 467 and 468 of the Indian Penal Code, is hereby confirmed.

(ii) The applicants shall attend the concerned police station on Monday between 10.00 a.m. to 01.00 p.m and they shall cooperate with the investigating agency.

(iii) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

(iv) The applicants shall furnish their cell phone numbers and addresses with the address proof and they shall cooperate with the investigating agency in all respects.

6. Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)