



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

CRIMINAL APPLICATION (ABA) NO.598 OF 2024

Namdeo s/o Mahadeo Mahajan
Vs.

The State of Maharashtra, Through Police Station Officer, Police Station,
Pandharkawada, District Yavatmal

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

Court's or Judge's orders

Mr. M. P. Kariya, Counsel for the applicant.
Ms. Sneha Dhote, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/09/2024

1. The present application is preferred by the applicant for seeking pre-arrest bail, in connection with Crime No.646/2024 registered with Police Station, Pandharkawada, Taluka Kelapur, District Yavatmal for the offences punishable under Sections 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

2. Learned Counsel for the applicant submitted that, as per the allegation in the FIR, the co-accused, namely Sheikh Jalil Sheikh Gafur, has executed the sale deed in favour of the complainant by impersonating the original owner. As far as the present applicant is concerned, the only allegation against him is that he was present when the informant and the broker came to the land to see the location.

3. Learned Counsel for the applicant submitted that, the other co-accused Juned Shanu Sheikh Shabbir is already released on bail by this Court. The role of the present applicant is only to the extent of his presence along with the broker. Thus, considering the role attributed to him, his custodial interrogation is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application on the ground that, the offence is of a serious nature as present applicant was present along with the other co-accused when the other co-accused by impersonating the original owner executed the sale deed in favour of the informant. In view of that, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR and investigation papers from which it reveals that except the presence of the present applicant, there is no other allegation to attract ingredients of the offence against him. The other co-accused to whom the major role is attributed is already protected by this Court by granting anticipatory bail. In view of that, the interim protection granted to the present applicant deserves to be confirmed. In view of that, I proceed to pass following order:

ORDER

(i) The interim protection granted to the present applicant by order dated 19.08.2024 is hereby confirmed with condition that the applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency. The Investigating Officer shall issue notice in advance if his presence is required for investigation purpose.

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

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)