



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

CRIMINAL APPLICATION (ABA) NO. 728 OF 2024

Dyaneshwar s/o Bhauraoji Barange Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.V. Navlani, counsel for applicant.

Mr. S.V. Narale, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/10/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 730/2024 registered with police station Gitti Khadan, Nagpur for the offence punishable under Sections 120-B, 419, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Rebeka Naznin Shaha, who is a resident of village Kos Baspur, Murtidabad, West Bengal. As per her allegation, she was staying at Vayusena Nagar, Nagpur, in the year 1994 with her husband, who was working in the Air Force. In the year 1994, she purchased one plot at Bas Mouza Dabha, City Survey No. 240, Shit No.2-663, Nagpur. She has paid the entire Municipal Corporation Tax of Plot No. 192 from the year 2006 to 2021. When she went for the payment of the tax, at that time, one Mr. Kadu working there had given a number of property dealer named Dnyaneshwar Barange i.e. the present applicant. On receiving that, she had called him

and communicated with him and showed her intention to sell the said plot, and she also sent a copy of the registration of the sale deed on WhatsApp in the year 2022. The copy of the said sale deed was also forwarded to Hiralal Sitaram Chahande, who was working as a Cook in the guest house inside the Air Force Camp in the Air Force Nagar. Thereafter, there was regular communication between the complainant, the said Hiralal Chahande, and the present applicant. The said co-accused, Hiralal Chahande, had assured her that he will fetch a price for that plot and will get it sold.

3. In August 2023, she came to know from her broker, namely Probal Dutta, that on her one plot, the name of somebody else has been shown, and therefore she made an inquiry. On inquiry, it revealed to her that by preparing forged Power of Attorney in her name, the present applicant and other co-accused have executed the said sale deed in favour of the third person. On the basis of said report, police have registered the crime against the present applicant and other co-accused.

4. Learned counsel Mr. Navlani submitted that as far as the role of the present applicant is concerned, it is only to the extent of having the acquaintance with the informant. As far as the allegation that her Power of Attorney was prepared and got executed, and that allegation is not against the present applicant. He submitted that the custodial interrogation of the applicant is not required and nothing is

to be recovered from him. In view of that, he be protected by granting ad-interim protection.

5. Learned APP strongly opposed the said application and submitted that the present applicant and the other co-accused inconnivance with each other got executed the said power of attorney, and with the forged power of attorney, executed the sale-deed in favour of her. He submitted that the statement of the Sub-Registrar is also recorded, which shows that no such power of attorney was registered in the Registrar Office. Thus, considering the role attributed to the present applicant, his custodial interrogation is required.

6. After hearing both sides. On perusal of the investigation papers, it reveals that the informant has contacted the present applicant for execution of the sale-deed of the said plot, and the documents are forwarded to her. But subsequently, considering that she is not resident of the Maharashtra but she is resident of the West Bengal, the applicant, inconnivance with the other co-accused, prepared a forged Power of Attorney and, with the help of said Power of Attorney, entered into an agreement to execute the sale deed in favour of the third person.

7. Moreover, considering the allegations and considering the statement of the Sub-Registrar, no such Power of Attorney is executed by the present applicant, and no such Power of Attorney is registered in his office. Hence, the prima-facie case is made out against the present applicant. Though the entire investigation revolves around

the documentary evidence, then also the custodial interrogation is required for the purpose of ascertaining the nexus between the present applicant and the other co-accused.

In view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]