



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

CRIMINAL APPLICATION (APPP) NO. 2068 OF 2024
IN
CRIMINAL APPLICATION (ABA) NO. 743 OF 2024

Sudhakar s/o Laxman Belulkar and another

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Patur,
District Akola

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

Court's or Judge's orders

Mr. A. R. Deshpande, Counsel for the applicant.
Mr. S. V. Narale, APP for non-applicant /State.
Mr. S. S. Bhalerao, Counsel for the Intervenor.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/11/2024

1. By this application, the complainant wants to intervene in the application. In view of the reasons mentioned in the application, the complainant is permitted to engage the Counsel to intervene in the proceeding of anticipatory bail.

2. The application is disposed of.

CRIMINAL APPLICATION (ABA) NO. 743 OF 2024

1. The applicants are apprehending the arrest at the hands of police in connection with Crime No.437/2024 registered with Police Station, Patur, District Akola for the offences punishable under

Sections 420 and 406 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Smt. Dwarkabai Laxman Belulkar who is the mother of the applicant No.1 and applicant No.2 is the wife of applicant No.1. It is alleged that the complainant resides at Khanapur and she is a widow aged about 87 years. The applicant No.1, who is her son by misrepresenting her obtained her signature and got the transfer of ancestral field in his name by way of a registered Gift-Deed. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the allegations are concerned, now the complainant has filed an application before the Investigating Officer that in the heat of anger, she has filed a complaint. The suit for cancellation of the Gift-Deed is already pending and the other sale deed is already cancelled by the judgment and decree of the Civil Judge Senior Division. Now the dispute is already settled by the parties. As far as the custodial interrogation of the present applicants is concerned, which is not required as the entire issue revolves around the documents which are already in the custody of the Investigating Officer and the applicants are ready to cooperate with

the investigating agency. In view of that they be protected by grating anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that considering the nature of the allegations, the custodial interrogation of the applicants is required. In view of that, the application deserves to be rejected.

5. Learned Counsel for the complainant supported the contention of the applicant.

6. After hearing both sides and on perusal of the investigation papers, it reveals that it was a family dispute and the Civil Suit regarding the cancellation of the Gift-Deed has already filed and which is pending before the learned trial Court. Moreover, another suit i.e. for cancellation for another sale deed is already decreed in view of the settlement terms. Considering the subsequent statement of the complainant that the matter is settled between the parties, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant **No.(1) Sudhakar s/o Laxman Belulkar and No.(2) Kalpana w/o Sudhakar Belulkar** shall be released on anticipatory bail, in

connection with Crime No.437/2024 registered with Police Station, Patur, District Akola for the offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

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

7. The applicant is disposed of.

(URMILA JOSHI-PHALKE, J.)