



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

CRIMINAL APPLICATION (ABA) NO.806 OF 2023

Azmat Khan s/o Liyakat Khan

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, City
Kotwali, District Amravati

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

Court's or Judge's orders

Mr. T. U. Tathod, Advocate for applicant.
Ms. Sneha Dhote, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/02/2024

1. Apprehending the arrest at the hands of police, the applicant is seeking pre-arrest bail in connection with Crime No.529/2023 registered at Police Station City Kotwali, Tq. and Dist. Amravati for the offences punishable under Sections 120-B, 419, 420, 465, 468 and 471 of the Indian Penal Code, 1860.

2. Mr. T.U. Tathod, learned counsel for the applicant submitted that the accusation against the present applicant is on the basis of report lodged by the informant who is the owner of the Plot No. 77 of survey No. 26/114, area admeasuring 2130 Sq.Ft. The said plot was purchased by him from Rajesh Kishorbhai Soni. During the verification of the record, it was found that the plot had been sold by someone claiming himself to be the owner of the said property,

and it was sold to the co-accused namely Kanhaiya Ghanshyam Pande by preparing the forged document. He further submitted that as far as the present applicant is concerned, his role is only to the extent that he stood as a witness and nothing is to be recovered from him. He has already cooperated with the investigating agency. His incarceration is not required and therefore, the ad-interim protection granted to him, deserves to be confirmed.

3. The learned APP strongly opposed the application on the ground that not only the witness he appears to be the agent in the said transaction therefore, his custodial interrogation is required. In view of that, the application deserves to be rejected.

4. After hearing the learned counsel for the applicant and learned APP for the State. Perused the recitals of the FIR as well as the investigation papers. As far as the role of the present applicant from the investigation papers reveals that he stood as a witness as well as an agent. Admittedly, the role is not attributed to the present applicant that he has sold out the said property to the third person by impersonating the complainant. He has already cooperated the investigating agency and abide by the terms and conditions imposed by this Court. In view of that, as the physical custody of the present applicant is not required hence, the ad-interim protection granted to the present applicant deserves

to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.529/2023 registered at Police Station City Kotwali, Tq. and Dist. Amravati for the offences punishable under Sections 120-B, 419, 420, 465, 468 and 471 of the Indian Penal Code, 1860, the applicant **Azmat Khan s/o Liyakat Khan** be released on anticipatory bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station once in a week between 10.00 a.m. to 1.00 p.m., and shall cooperate with the investigating agency till further orders.

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)