



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 ANTICIPATORY BAIL APPLICATION NO. 143 OF 2024

SUNITA W/O. HARI MALI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Yogesh B. Bolkar

APP for Respondent/State: Mr. R. S. Wani

...

WITH

...

ANTICIPATORY BAIL APPLICATION NO. 98 OF 2024

1. MUBIN MUBARAK SHAIKH

2. FATTUSAB AJMODDIN SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant :

Mr. V. D. Salunke h/f. Mr. Salunke Mayur Vasant

APP for Respondent/State: Mr. R. S. Wani

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 27th JANUARY, 2025

PER COURT:

1. Heard learned counsel for the applicants and the learned APP for the respondent-State in respective applications.

2. The applicants are apprehending arrest in connection with Crime No.807/2023, dated 07.11.2023, registered at MIDC Police Station, District Latur, for the offences punishable under Sections 420, 467, 468 and 471 of IPC.

ABA/98/2024

3. In ABA/98/2024, the case in brief against the applicants is that one Prachi Deshpande has purchased N.A. Plot No.7, area 40 X 40 sq.fts. out of field Gat No.48 situated at Pakharsangvi by sale deed.

It is stated that Yamunabai Mali has sold the said plot by impersonating Prachi Deshpande by selling the said plot on 16.03.2020 by registered sale deed bearing no.1588/2020 to Hari Shrirang Mali. It is stated that Yamunbai Mali is the sister of Hari Shrirang Mali. She has impersonated her Aadhar record and posed herself to be Prachi Deshpande and registered the sale deed dated 16.03.2020 in favour of her brother Hari Shrirang Mali. Thereafter, Hari Shrirang Mali has executed an agreement in favour of Navnath, Chame, who is a police officer. The said agreement was executed on the basis of alleged earlier agreement of sale executed by Prachi Deshpande in favour of Hari Shrirang Mali. However, with consent of Navnath Chame, Hari Shrirang Mali executed the sale deed on 05.05.2020 in favour of the applicants in which Navnath Chame is the consenting party to the sale deed.

The learned counsel for the applicants submits that the entire transaction by impersonation of Prachi Deshpande is between Hari Shrirang Mali and other accused. At best it can be said that impersonator, Hari Shrirang Mali and, so also, Navnath Chame could be said to be involved in the offence. The applicants have no concern whatsoever with the above transactions. They are the bonafide purchasers of the land for valuable consideration.

The learned counsel for the applicant further submits that there were publications made before the execution of the sale deed

and at the stage of mutation. The said transaction by the applicants is bonafide transaction, the interim bail granted may be confirmed.

He also submits that this court after having granted interim protection, the applicants have cooperated with the investigation. As such, earlier order dated 23.01.2024 may be confirmed.

Per contra, the learned APP submits that the applicants have purchased the said property for the price of Rs.1,50,000/-, so also, Hari Shrirang Mali has purchased the said property at Rs.1,50,000/-. He submits that this would show that the applicants and Hari Shrirang Mali are hand in gloves with each other. However, such submission would not find any favour in this court. This court does not know the real nature of transactions between the impersonator and the Hari Shrirang Mali. Prima facie, there is no material to indicate that the applicants are involved in the fraudulent transactions.

Considering the above, interim protection granted earlier by order dated 23.01.2024 deserves to be confirmed.

ABA/143/2024

4. In ABA/143/2024, the applicant – Sunita Hari Mali, this court has granted interim protection to the applicant on 31.01.2024. The learned counsel submits that the applicant has cooperated with the investigation. The applicant – Sunita Hari Mali is witness to the sale deed between the impersonator and Hari Shrirang Mali. The learned counsel for the applicant submits that she is merely a witness and is not involved in any part of the transaction between the

impersonator and her husband and prays that the interim protection may be confirmed.

The learned APP submits that the applicant is fully aware as to the impersonator signing as the Prachi Deshpande is the sister of her husband. The learned APP submits that she being the wife of Hari Shrirang Mali was aware of the transaction being a fraudulent one. As such, the application for anticipatory bail needs to be rejected.

Having considered the rival submissions, it is to be noticed that Hari Shrirang Mali is being granted regular bail after being in custody, there is no recovery to be made at the instance of the applicant. Prima faice, the applicant is not the beneficiary of the transaction and her custodial interrogation in the matter would not be required. Considering the same, the interim protection granted earlier dated 31.01.2024 deserves to be confirmed.

5. In view of the above, the interim protection granted by orders dated 23.01.2024 and 31.01.2024 stands confirmed in respective applications, on the following terms:

- i] The applicants shall attend the police station as and when required by the Investigating Officer.
- ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.
- iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

6. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

7. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail applications and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8. The applications stand disposed of.

[ARUN R. PEDNEKER, J.]

marathe