



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

50 ANTICIPATORY BAIL APPLICATION NO. 492 OF 2024
WITH
CRIMINAL APPLICATION NO. 1565 OF 2024 IN ABA/492/2024

NASIVEEHAREDDY BHUMAREDDY MUTYALWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Dhorde Vikram R

APP for Respondents 1 & 2 : Mr. R.S. Wani

Advocate for assisting APP : Mr. C.P. Patil

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CORAM : ARUN R. PEDNEKER, J.

DATE : 17.02.2025

PER COURT :

1. Criminal Application No. 1565/2024 filed for assisting APP is allowed and Mr. C.P. Patil, learned advocate is allowed to assist APP.
2. Heard the learned counsel for the applicant, and the learned APP for the respondents-State and Mr. C.P. Patil, learned advocate assisting APP.
3. The applicant has approached this Court apprehending arrest in connection with Crime No.309/2023 dated 27.08.2023 registered with Bhokar Police Station, District Nanded for the offences punishable under sections 420, 167, 465, 466, 468, 469, 471 of I.P.C.
4. The learned counsel for the applicant points out copy of mutation entry No. 694 and submits that the said mutation entry is taken by the applicant in the year 2007 which is in respect of Gat No.395. The learned counsel submits that the lands of the informant is in Gat No.383. It is stated that there is a mutation entry in respect of land Gat No.383 wherein the name of the informant and the name of Gangamani Laxman Panchal is shown. It is stated that Gangamani Laxman Panchal is holding the land in

Gat No.395 in pursuance of Mutation Entry No.694 and not in land Gat No. 383. The learned counsel for the applicant submits that the applicant is not aware as to who has recorded the name of Gangamani Laxman Panchal with reference to land Gat No.383 vide mutation entry No.694. He submits that the applicant was transferred from the office of concerned Talathi and the entries were subsequently made.

5. The learned counsel submits that the record does not indicate that the alleged entry was made during the tenure of the applicant. The learned counsel submits that mutation entry No.694 pertains to land Gat No.394 and corresponding entry has also been made in Gat No.395, in pursuance of the mutation entry No.694. As such, he submits that there is no occasion for the applicant to make any changes of ownership of land Gat No.383 in pursuance of mutation entry No.694. This is either an error which is corrected by authorities at some later point of time and that there is no criminality to be inferred as mutation entry No.694 purely pertains to Gat No.395.

6. The matter was kept back and in second session, the learned APP submits that this matter was kept back for taking further instructions. The learned APP has not been able to point out any further evidence as far as applicant is concerned that the relevant entries alleged to have been made by the applicant as shown at page 46-A of the petition is incorporated by the applicant. In absence of any evidence, interim protection granted on 26.3.2025 can be confirmed.

7. In view of the above, the application is allowed and the interim protection granted on 26.3.2024 is confirmed on the following terms :

i] The applicant shall attend the police station as and when

required.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii. The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

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

10. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/