

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

934 ANTICIPATORY BAIL APPLICATION NO. 1480 OF 2025

Bharat S/o Dattu Dutonde

VERSUS

The State Of Maharashtra And Another

...

Mr. M. S. Karad h/f Mr. Kuldeep Ramraje Choudhari - Advocate for
Applicant

Mr. S. K. Shirse - APP for State

...

CORAM : NEERAJ P DHOTE, J.

DATED : 01ST OCTOBER, 2025

PER COURT : -

1. Heard the learned Advocate for the Applicant and the learned APP for the State. Perused the papers on record.

2. The Applicant is apprehending his arrest at the hands of the Police from the Phulambri Police Station, Chhatrapati Sambhajnagar in Crime No.194 of 2025 registered for the offence punishable under Sections 420, 468, 471, 465 r/w. Sec. 34 of the Indian Penal Code, 1860 (for short, 'I.P.C.'). The said crime is registered on the Report given by Rohini Yogesh Pathrikar.

3. It is the case of the Prosecution that, the FIR named Accused i.e. Accused Nos.1 and 2, by using the forged Non- Agricultural order issued by the Revenue Department, sold the plot to the Informant

situated at Phulambri for consideration of Rs.7,60,000/- (Rs. Seven Lakh Sixty Thousand). According to the Informant, the Public Servants from the Office of the Revenue Department are also responsible for the Crime.

4. The Applicant was working as a Talathi in the Phulambri Revenue Circle. He had taken the mutation entry and submitted the same for sanction to the higher officer, which ultimately came to be sanctioned. The accused, namely, Sunil Bhika Birari, who had executed the sale deed of the said plot on the basis of forged Non-Agricultural order, has been protected by the learned Sessions Court *vide* order dated 03.05.2025 passed in Cri. Bail Appln. No. 900 of 2025. The relevant observations from the said order read as under : -

13. *If all the above aspects are taken into consideration, prima facie it appears that the documents of N.A. permission and other documents in the file were found and hence supplied under RTI Act. As such, prima facie it appears that the investigation officer did not make effort in that direction. Thus, prima facie the alleged documents along with the stamp and signature thereon seem to have been issued by the Sub Divisional Officer. Therefore, at this moment all the allegations of forgery got diluted. Even otherwise, when all the documents are available and most of the documents are already with the investigation officer, I do not find it necessary that the applicant shall be arrested. When all the documents are available and the allegations regarding the offences pertain to those documents, no custodial interrogation is necessary. The investigation officer must have done proper investigation and should have obtained the documents from Sub Divisional Officer which Ismail Khan Sikandar Khan had obtained in the capacity of journalist. Hence, for a comparatively weaker case of prosecution, custodial*

interrogation of application would cause unnecessary harassment of the applicant. It would suffice if the applicant is directed to attend the Phulambri Police Station on certain days to cooperate the investigation.

5. In view of the above, the Applicant is protected by the following order: -

ORDER

- [i] The Application is allowed.
- [ii] In the event of arrest of the Applicant, Bharat S/o Dattu Dutonde, in connection with Crime No.194 of 2025 registered with Phulambri Police Station, District Chhatrapati Sambhajanagar [Rural], for the offences punishable under Sections 420, 468, 471, 465 r/w. Sec. 34 of the Indian Penal Code, 1860, he be released on bail on his furnishing P.B. of Rs.15,000/- [Rupees Fifteen Thousand], with one or two sureties in the like amount.
- [iii] The Applicant shall attend Phulambri Police Station, District Chhatrapati Sambhajanagar, on every Wednesday, between 10:00 hrs to 12:00 hrs., for a period of one [1] month and thereafter, as and when called.
- [iv] The Applicant is further directed to co-operate with the Investigating Agency.
- [v] The Application stands disposed off.

[NEERAJ P. DHOTE]
JUDGE

SG Punde