



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

938 ANTICIPATORY BAIL APPLICATION NO. 1878 OF 2024

Lahu Chandrakant RandaleApplicant

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. More P. P., Advocate for Applicant.

Mrs. M. N. Ghanekar, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 14th JANUARY, 2025.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 45/2024 registered with Nilanga Police Station, Dist. Latur, for the offences punishable under Section 420 read with Section 34 of Indian Penal Code.

2. The gist of the First Information Report is that the informant is the purchaser of the subject property owned by the co-accused. As far as present application is concerned, he is said to be the consenting party to the sale-deed executed by owner in favor of the informant. Later on, informant found that encumbrances were already created in the said property by way of obtaining loan from the

financial institution. On the basis of these allegations, offence came to be registered.

3. Learned counsel for applicant submits that the applicant is neither the owner of the property nor has received any consideration. It is his submission that this is not a case wherein any allegation is there of fabrication of record. Thus, he claims that this is not a fit case of custodial interrogation.

4. Learned APP vehemently opposed the application by contending that applicant is the signatory to the sale-deed. She claims that it was obligatory on the part of the applicant to inform to the purchaser that there is loan against the said property. She also claims that applicant is the co-borrower in respect of the said loan.

5. If if the contention of learned APP is accepted that the applicant is the co-borrower, no offence on the face of it seems to have been committed by the applicant by not disclosing of the same to the informant. There is no denial of the fact that applicant is not the owner of the property nor he has transferred the title of the property after receiving consideration. Moreover, this is not a case of custodial

interrogation as there is no allegation in respect of fabrication of any document or identification of incorrect person as vendor etc. Hence, this Court finds no reasons to reject the application. In the result, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb