



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

CRIMINAL APPLICATION (BA) NO. 221 OF 2025

Santosh s/o Laxman Bunde Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. S.H. Bhagat, counsel h/f Mr. P.R. Agrawal, counsel for applicant.

Mrs. S.S.Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/03/2025.

1. The applicant came be arrested 01/02/2025 in connection with Crime 524/2023 registered with Police Station Akot, Tahsil Akot, District Akola for the offence punishable under Sections_420, 468, 471 read with Section 34 of the Indian Penal Code, 1860.

2. Heard learned counsel for the applicant, who submitted that the applicant is not named in the FIR. The crime is registered on the basis of a report lodged by Dipak Pandurang Sawade on an allegation that the complainant sold his plot No. 21, Part-II field Survey No. 599/3 admeasuring 93 Sq.Mtr. to Pratapsing Gangaram Solanke by registered sale-deed. On 16/10/2022, one Shahebaz Khan phoned the complainant and told him that he wanted to meet him. Hence, Abdul Yusuf Abdul Rauf and Sheikh Wahab Shaikh Abdi of Lotkhed came to the complainant's house and inquired with him about the transaction of selling the plot Nos. 20 and 21 of Part-II of field Survey No. 599/3 admeasuring 186 Sq. Mtr. to Kavita Kamlesh

Bhandari, and they showed the complainant the registered sale deed. After perusing the said sale deed, the complainant came to know that the said sale-deed is a forged one and he has not sold his plots to anyone. Thereafter, he obtained the documents, and during the investigation, the name of the present applicant was revealed.

3. Learned counsel for the applicant submitted that, as far as the other co-accused are concerned, who are already released on bail, further incarceration of the present applicant is not required, his involvement is only on the basis of the statement of the co-accused. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that during investigation it revealed that the present applicant is the person who brought the said forged document and therefore, his further incarceration is also required.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the involvement of the present applicant is only on the basis of the statement of the co-accused, which is not admissible. Admittedly, the applicant is not named in the FIR, and now, considering the fact that the investigation is already completed and the chargesheet is yet to be filed, but considering that his further incarceration is not required, he has made out a

case for grant of bail. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
 - b] The applicant- Santosh s/o Laxman Bundeale, shall be released on bail, in connection with Crime 524/2023 registered with Police Station Akot, Tahsil Akot and District Akola for the offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code, 1860, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
 - c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
 - d] The applicant shall attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
 - e] The applicant shall furnish his cellphone number(s) and address with the address proof before the investigating agency.
6. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]