



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

CRIMINAL APPLICATION (BA) NO.1173 OF 2024

Ganesh s/o Babanrao Dhumal
Vs.

State of Maharashtra, through Police Station Officer, Police Station, Gadge
Nagar, Amravati District Amrvati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. R. Agrawal, Counsel for the applicant.
Ms. Ritu Sharma, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/01/2025

1. The applicant came to be arrested on 22.06.2024 in connection with Crime No.383/2024 registered with Police Station, Gadge Nagar, Amravati, District Amravati for the offences punishable under Sections 419, 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code and under Sections 82 and 83 of the Registration Act, 1908.

2. As per the allegation, the informant namely Atul Sumersingh Raghuvanshi who alleged that one Yogesh Dinesh Wasani has met him in the month of November, 2022 and informed him that there is one plot for sale admeasuring 3000 sq.ft. situated at Mouza Rahatgaon bearing Survey Nos.102/6 and 102/7. It is further alleged that said

Yogesh Wasani told the informant that one Roshan Kadudas More got executed an Issar Chitthi of the said plot from the original owner but due to financial crunch he is unable to execute the sale-deed, and therefore, the informant along with his friends went to survey the plot. The informant was interested and requested said person for the papers of the aforementioned plot and said Wasani had shown Issar Chitthi executed between Roshan More and the original owner. The informant showed his willingness to purchase the said plot, and accordingly, the earnest amount was also paid by him. Subsequently, after execution of the sale deed, he came to know that he is cheated by the other co-accused. As far as the present applicant is concerned, only allegation is that he has stood as a witness to the said sale deed.

3. Learned Counsel for the applicant submitted that considering the role of the present applicant and considering the fact that the other co-accused are already released on bail. Accused Roshan More and Milind More are absconding. The rest of the accused are already released on bail by this Court. In view of that and considering the fact that now the investigation is completed and charge-sheet is filed, further custodial interrogation of the present applicant is not required, in view of that he be released on bail.

4. Learned APP strongly opposed the said application and submitted that one more offence is registered against the present applicant of a similar nature. Thus, the *modus operandi* of the present applicant reveals from the same. In view of that application deserves to be rejected.

5. After hearing both the sides, perused the recitals of the FIR. There is a substance in the contention of the learned Counsel for the applicant that except his name stood as a witness, there is no other allegation. He has not participated in the forgery of the document or cheating by personation. Now the investigation is already completed and charge-sheet is filed. In view of that, the application deserves to be allowed. Accordingly I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Ganesh s/o Babanrao Dhumal**, shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount, in connection with Crime No.383/2024 registered with Police Station, Gadge Nagar, Amravati, District Amravati for the offences punishable under Sections 419, 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code and under Sections 82 and 83 of the Registration Act, 1908.

(iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)