

**Order below Exh.1 in Bail Application No. 1213/2022**

1/- Vijaylaxmi Anand Shetty & Ors. .. Applicants/  
Accused.

Vs.

The State of Maharashtra  
through Police Inspector,  
Taluka Police Station, Nashik. .. Prosecution

**Order below Exh.1.**

1. This application has been filed by the applicants/accused under section **438 of Cr.P.C.** for releasing them on **anticipatory bail** in the event of their arrest in the aforesaid Crime registered at Taluka Police Station, Nashik for the offence punishable under sections 420, 467, 468, 471 r/w. 34 of the Indian Penal Code and u/s. 3(1)(f)(g) of the SC & ST (Prevention of Atrocities) Act and accordingly interim protection was granted to applicants on 07.10.2022.

2. Heard learned Advocate Shri M. D. Bhanose for applicants and learned APP Smt. Sangale. IO is present. The informant is also present before the Court. Perused the case papers.

3. It is the case of the prosecution that the applicants deceived the informant by making forgery for the purpose of

cheating and used such forged document as a genuine one and applicants wrongfully occupies or cultivates and dispossess the informant, member of SC or ST from landed property.

4. In respect of subject matter, applicants have produced copies of registered sale-deed, development agreement, Judgment of Tahasildar dated 13.05.2014 and other relevant documents. Considering all these documents and the controversy between the parties, it appears that dispute between the parties is civil in nature. Report reflects that the transaction in dispute are of the year 1995 but then, complaint came to be lodged on 14.09.2022. Delay in lodging report is not explained. As such, prima facie, involvement of applicants in alleged offence is found to be in cloud. On these amongst other grounds, interim bail was granted to applicants. Now, applicants have produced document to show that they have marked presenty in concerned police station and cooperated the investigation. Documents as to the order of Revenue Court is also produced on record and pointed out that the concerned Court has declared that the informant does not belong to Adiwasi community. So also, sale-deed in question was executed long back i.e. in the year 1995. As observed earlier, allegations in the report are found to be civil in nature. There is no any prima facie case put forth to show intentional humiliation on the basis of caste. Now, say is filed by the investigating officer with formal objections.

5. The ld. Advocate for the Applicants submitted that the applicants do not have criminal antecedents. They are reputed

person. They are permanent local resident. Therefore, considering all these aspects, this Court is of the view that interim relief granted to applicants, can be confirmed. Hence, the order.

**::O R D E R::**

The application ( Exh. 01) is allowed.

Interim protection granted to applicants on 07.10.2022 stands confirmed subject to same terms and conditions.

Nashik  
Date : 17.10.2022.

(Aditee U. Kadam)  
Additional Sessions Judge-2,  
Nashik.