

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 180 OF 2022

{Digambar Gangadhar Nathe and others Vs. The State of Maharashtra
through Sarkarwada Police Station}

This is an application under section 438 of the Criminal Procedure Code, 1973 for grant of anticipatory bail in CMA No. 1341 of 2021 under section 156(3) of the Cr. P. C. registered with Sarkarwada Police Station for the offences punishable under sections 420, 465, 468, 471 and 120(B) of the I. P. C.

02] The applicants contended that they are innocent. They have not committed any offence. They have not signed or endorsed thumb impression of alleged agreement for sale. The parties to the agreement for sale are dead. Now civil suit is filed and the complainant wants to pressurize them. They are permanent resident of the above mentioned address having landed property there. They are agriculturist and their family is dependent on them. They are ready to abide by any conditions imposed by the court. Hence, they have prayed for grant of bail.

03] APP filed say at Ex. 08 and I. O. filed say at Ex. 09. They have stated that the offence is of serious nature. Forged document is prepared by the applicant and other accused. The investigation is to be done. Their custodial interrogation is required. Hence, they have prayed for rejection of bail.

04] Heard the learned counsel for the accused and learned APP. They have argued as per the above stand taken. The complainant appeared through counsel and filed say to the bail application and opposed it.

05] I have gone through application, say, arguments and Police papers. As per the complaint, it appears that the persons between whom the alleged agreement for sale was executed, are dead. Upon that agreement for sale, civil suit for specific performance is filed between

the complainant and the accused. The custodial interrogation of the accused is not required as the documents is available with the parties. In such circumstances, accused is entitled for bail. Hence, the following order.

ORDER

- 01] Application for anticipatory bail is allowed on the same terms and conditions as given below Ex. 4 i.e. interim bail order and interim anticipatory bail is hereby confirmed.
- 02] The applicants should attend the Police station in between 11.00 a. m. to 02.00 p. m. from dated 25.02.2022 and 26.02.2022 and help the police in investigation.
- 03] Inform the concerned Police station accordingly.

Date : 23.02.2022

(R. R. Rathi)
Additional Sessions Judge-5,
Nashik.