

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 199 OF 2022**

{Ravindra Madhavrao Kahandal 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 Cr. P. C., registered with Sarkarwada Police Station for the offences punishable under sections 420, 465, 468, 471 and 120B of the I. P. C.

02] The applicants contended that they are innocent. They have not committed any offence. The other accused are released on anticipatory bail in criminal bail application nos. 180 of 2022 and 187 of 2022. One civil suit is pending between the parties. The complainant has suppressed material facts from the court. They have not cheated anyone. They have deep roots in the society. Their custodial interrogation is not required. 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. 12 and I. O. filed say at Ex. 13. 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. Their hand writing and signature is to be taken for sending it to hand writing expert. 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 are available with the parties. For the purpose of their hand writing and signature to be taken for sending it for hand writing analysis, their attendance can be secured before the police. In similar circumstances, anticipatory bail to other accused was granted while order in criminal bail application no. 180 of 2022. Hence, parity applies. 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 08.03.2022 and 09.03.2022 and help the police in investigation.
- 03] Inform the concerned Police station accordingly.

Date : 05.03.2022

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