

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.3744 OF 2012

Santosh s/o Sukhdeo Dhone

..Applicant

Versus

The State of Maharashtra

..Respondent

Mrs Chaitali P.Kutti, Advocate holding for Mr P.N.Kutti, Advocate  
for applicant

Mr D.R.Kale, A.P.P. for respondent

**CORAM : M.T. JOSHI, J.**

**DATE : 31st August 2012**

**PER COURT**

1. The present applicant, apprehending arrest at the hands of Chopda City Police Station, for the offences punishable under Section 420, 464, 465, 467 read with sec.34 of Indian Penal Code, in Crime No.28/2012, is praying for his release on bail.

2. In nutshell, the allegations are that the main accused No.1 executed a registered sale deed in favour of another accused on the basis of a forged general power of attorney, purported to have been executed by the complainant. The present applicant is attesting witness to the said registered sale deed.

3. The learned Counsel for the applicant submits that no motive can be imputed to the present applicant in signing the

document as attesting witness. He has not committed any offence. He would be available for interrogation.

4. The learned Assistant Public Prosecutor opposed the application on the ground that the registered sale deed was executed on the basis of a forged general power of attorney. Investigation is in progress and submits that the application be dismissed.

5. Considering the overall nature of the facts that the present applicant is not the main accused, and he appears to be an attesting witness to the registered sale deed, by imposing same terms and conditions, as are earlier imposed by this Court at the time of granting him ad interim relief on 22.8.2012, the present application can be allowed.

6. The application is, therefore, allowed. The ad interim relief granted to the applicant on 22.8.2012 is hereby made absolute on the same terms and conditions.

**( M.T. JOSHI, J. )**

(vvr/3744.2012criappln)