

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No.783 of 2017
[Pravin Subhas Gabhane Vs. State of Mah., Gondia (City) PS, Gondia]

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

Court's or Judge's orders

Mr. P. T. Rokde, Adv., for the applicant.
 Mr. K. L. Dharmadhikari, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 04th December, 2017

The applicant apprehends his arrest in connection with Crime No. 555/2017 registered at Gondia [City] Police Station, Gondia, for the offences punishable under Sections 420 and 468 of Indian Penal Code.

As per the report dated 2nd October, 2017, one Shrikant Motghare was convicted by the learned Magistrate in Criminal Case No. 571 of 2008. Said judgment of the learned Magistrate was challenged before the Sessions Court by filing an appeal. It is stated that the applicant had placed on record a Pursis at Exh.15 to indicate that the appellant therein - Shrikant Motghare had expired. The Sessions Court, however, proceeded to issue a warrant and pursuant to that warrant, the appellant therein was arrested. Hence, the present crime came to be registered.

It is submitted on behalf of the applicant that he has been unnecessarily implicated in the present crime. The applicant is a teacher by profession and at the highest, it can be said that he had handed over the pursis in the Court as per instructions. It is further submitted that a reference of the applicant as being the brother-in-law of said Shrikant Motghare is incorrect as the applicant does not have any sister. The applicant has co-operated pursuant to the interim directions and hence the protection be continued.

The application is opposed by the learned Addl. Public Prosecutor by filing reply. It is submitted that custody of the applicant is necessary with regard to investigation into the fake Death Certificate.

Perused the police papers as well as affidavit dated 4th December, 2017 filed by the applicant in which he has stated that he has no real sister. It is found that the alleged beneficiary who was also the appellant before the Sessions Court has been duly arrested pursuant to the non-bailable warrant issued therein. Considering fact that applicant is a teacher, he can be directed to co-operate with the investigation so as to enable the prosecution to proceed further.

Accordingly, in the event of applicant's arrest in connection with Crime No. 555/2017 registered at

Gondia [City] Police Station, Gondia, for the offences punishable under Sections 420 and 468 of Indian Penal Code, he shall be released on bail on furnishing a Personal Bond of Rs.25,000-00 [rupees twenty-five thousand only] with one surety in the like amount. The applicant shall attend the concerned Police Station on 11th December, 2017 between 11.00 a.m., and 1.00 p.m. No steps be taken to influence the prosecution witnesses.

The observations made in this order are only for deciding the present pre-arrest bail application, which is allowed and disposed of.

Judge

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