

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1169 OF 2019

Machhindra Banaji Davkhar

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Ganpat P. Chavan, Advocate for Applicant.
- Mr. Prashant Jadhav, APP for the State/Respondent.
- Mr. A. R. Dhumse, ASI, Ghoti Police Station, Nasik Rural.

**CORAM: SARANG V. KOTWAL, J.
DATE : 3rd SEPTEMBER, 2019**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 99/18 registered with Ghoti Police Station, Nasik under sections 420, 464 and 465 of the Indian Penal Code.
2. The FIR is lodged on 2nd August 2018 by one Suchita Salvi. According to her, her father Babulal Bhor was one of the Managing Trustees of one Agale Agri Samaj Trust. He expired on 12th November 2017. The first informant has mentioned in

her FIR that the change report filed by the present applicant before the Assistant Charity Commissioner, Nasik had forged signature of her father and therefore this offence is committed.

3. Heard, Mr. Chavan, learned counsel for the applicant as well as Mr. Jadhav, learned APP for the State.
4. Learned counsel for the applicant submitted that the applicant is falsely implicated in the FIR because of fight between two factions of their community. He has not committed any forgery. The applicant is 72 years of age and there are no allegations of misappropriation of any property against him. He further submitted by tendering such change report, the applicant did not gain anything for himself. He submitted that the signature of the first informant's father was not forged. The evidence consists of documents which are collected by the investigating agency.
5. I have perused the investigation papers. They contain the concerned change report dated 22th November 2017. This change report is submitted after the death of Babulal Bhor. Basically, The document mentions that the signatory to that

document had no objection for deleting their names from the record and for that purpose they were giving their no objection. There were seven such signatories including the applicant and Babulal Bhor.

6. Even though such documents are tendered after Babulal Bhor's death, the facts remains that his name would have been deleted even otherwise because of his death. Therefore, by tendering such change report nothing significant was tendered by the present applicant fraudulently. The applicant is 72 years of age and is always available for investigation. The offence consists mainly of documentary evidence. Therefore, in this background, the custodial interrogation of the applicant is not necessary and he can be protected by an order of anticipatory bail. Hence, the following order:-

ORDER

- (i) In the event of his arrest in connection with C.R. No. 99/18 registered with Ghoti Police Station, Nasik, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of

Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) Applicant stands disposed of.

(SARANG V. KOTWAL, J.)