

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

LD-VC-CRIMINAL APPLICATION (ABA) NO. 488 OF 2020

(Tasswar Kha s/o Gulam Gaus Kha vs. State of Maharashtra thr. P.S.O., Police Station
Malegaon, District - Washim)

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

Court's or Judge's orders.

Shri A.S. Londhe, Advocate for the applicant.
Shri M.K. Pathan, APP for the non-applicant - State.

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CORAM : PUSHPA V. GANEDIWALA, J.
JULY 24, 2020.

Heard Shri Londhe, learned counsel for the applicant and Shri Pathan, learned APP for the non-applicant – State, through video conferencing.

The applicant is apprehending arrest in crime No. 35 of 2020 registered at Police Station, Malegaon, District – Washim, for the offence punishable under Sections 420, 465, 468 read with Section 34 of the Indian Penal Code.

The case of the prosecution is that FIR came to be filed by Police Inspector Shri Aadharsingh Sonone thereby stating that on 28.01.2020 information was provided by NPC Gajanan Zagare and NPC Sudhir Solanke that one Sheikh Jamir Sheikh Ismail had met them and informed that he is in possession of one certificate issued by the Police

Station Officer, Malegaon dated 15.10.2019 wherein it is informed that an election rally was conducted by the present applicant/ accused Tasavvur Khan peacefully and has shown the said certificate. The said certificate was bearing signature of some police official and the seal of the police station. It was further informed that Sheikh Jamir Sheikh Ismail wanted such certificate issued by Police Station, Malegaon, to be given in the format and that he had brought a blank format of the same which did not bear signature and seal of the Police Station, Malegaon and wanted such seal and signature of the Police Station, Malegaon.

It is alleged that said certificate was found forged and fabricated. The present applicant also wanted to avail such certificate with an intention to use it in crime registered at Nizamabad and hence came to be involved in this case.

A perusal of the affidavit-in-reply filed on behalf of the State would reveal that the main accused is Sheikh Jamir Sheikh Ismail and the alleged role of the present applicant is only that he wanted to avail such forged certificate with an intention to use it in a criminal case registered against him.

Considering the nature of allegations and the role attributed to the present applicant, in my opinion, custodial interrogation would not be

necessary and he may be released on anticipatory bail on the terms and conditions. Hence, the following order :

In the event of arrest, the applicant – Tasswar Kha s/o Gulam Gaus Kha, be released on personal bond of Rs.20,000/- with one surety in the like amount.

The applicant shall not tamper with prosecution witnesses.

The applicant shall cooperate with the Investigation Officer as and when called for.

The applicant shall not leave the local jurisdiction without prior intimation to the concerned police station.

This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE

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