

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 316 OF 2021

Nitin s/o Vasant Rao Deshmukh

..vs..

State of Maharashtra

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

Court's or Judge's orders

Shri A.R. Deshpande, Advocate for applicant.

Shri A.M. Deshpande, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 23/07/2021

Hearing was conducted through Video
Conferencing.

2. In anticipation of arrest in Crime No.285/2021 registered at Akot file Police Station, District Akola for the offence punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, the applicant is seeking for pre-arrest bail.

3. With the assistance of both sides, contents of First Information Report are gone into. It is alleged that on 06.09.2017, the applicant has issued one water tax receipt to one Dayaram Gaikwad for Rs.1080/- which does not match with the font and type of other receipts. On that basis, it has been alleged that the applicant has prepared false documents and cheated Gram Panchayat.

4. Learned Counsel for the applicant has produced authority letter issued by the Secretary of Gram Panchayat under which the applicant- a peon was authorized to issue receipt. More particularly, he has produced extract of register of Gram Panchayat to show that concerned receipt was accounted for and due entry was taken in the Gram Panchayat register. It is the submission that the applicant has deposited received amount in bank along with the other payment.

5. On the other hand, learned A.P.P. read other statement of Secretary of Gram Panchayat who stated about false document. It reveals from the record that though the incident was of the year 2017, after four years the report has been lodged. The applicant has produced certain documents to *prima facie* convince that he has accounted for concerned receipts.

6. Already interim protection has been granted to the applicant. There is no complaint that he has remained non-cooperative to investigating agency. Having regard to all these facts, applicant has made out a case of grant of pre-arrest protection. In view of the above, following order is passed :

(a) Interim order dated 18.05.2021 is hereby made absolute with a modification that the applicant shall attend concerned Police

Station on every Sunday in between 11.00
am to 2.00 pm, till filing of charge-sheet.

JUDGE

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