

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

CRIMINAL APPLICATION (APPLN) NO. 68 OF 2021

(Chindhu @ Chandu Kawduji Meshram vs. State of Maharashtra)

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

Court's or Judge's orders

Mr. Rajnish Vyas, Advocate for applicant.
Ms. T. H. Khan, APP for sole respondent.

CORAM : MANISH PITALE J.

DATED : 25/08/2021

By this application, the original informant is seeking cancellation of bail granted to the original accused. In the present case FIR dated 01/03/2021, has been registered against the accused persons for offences under Sections 420, 406, 465, 467 and 471 read with 34 of the Indian Penal Code (IPC).

2. Upon the accused No.2 approaching the Sessions Court at Nagpur, ad-interim anticipatory bail was granted on 04/03/2021. Thereafter by the impugned order dated 31/07/2021, the same was confirmed subject to conditions specified in the order.

3. The learned counsel appearing for the applicant submits that considering the serious nature of the allegations in the present case, particularly in respect of forgery and creation of a bogus Will, the Sessions Court ought not to have granted relief to the accused

No.2. Attention of this Court was invited to certain documents and also statement of one of the alleged witnesses to the Will to support the contention that the said document purported to be a Will was nothing, but a forged document and that this aspect was not properly appreciated by the Sessions Court.

4. This Court has perused the impugned order passed by the Sessions Court, the discussion can be found in paragraphs 9 to 12, wherein the Sessions Court has adverted to the said purported Will, which is alleged to be a forged document. The Sessions Court has taken into account a Civil Suit filed in the context of the said Will and it is found that the question in the present case would also be that the legality and validity of the Will was not challenged by the legal heirs. The manner in which the Sessions Court has proceeded in the matter shows that the nature of allegations have been taken into account. The Court has found that the evidence in the present case is documentary in nature. It is apparent from the material on record that the Investigating Authority has taken the documents into custody.

5. Therefore, it is difficult to come to a conclusion that custody of the accused No.2 was necessary for further and proper investigation into the matter. There is no grievance in respect of any violation of the conditions imposed by the Sessions Court while granting anticipatory bail to accused No.2.

6. In these circumstances, it is found that the present application, at this stage cannot be entertained.

7. Accordingly, it is dismissed.

JUDGE

KOLHE/PA.