

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2319 OF 2022**

Manoj Banshraj Kurmi & Anr. .. Applicants
Versus
The State of Maharashtra & Anr. .. Respondents

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Mr.Shambhu Jha with Mr.Sandeep Dubey i/b Mr.Abhimanyu R. Yadav for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

Mr.P.S.Pandey for Respondent No.2.

PSI Nitin Koli, attached to Pelhar Police Station, present.

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**CORAM: BHARATI DANGRE, J.
DATED : 18th OCTOBER, 2022**

P.C:-

1. With *prima facie* observations, on 25/08/2022 the applicants were admitted to ad-interim protection. It is not disputed by the learned A.P.P. that they had reported to the Investigating Officer. However, the learned A.P.P. states that the custodial interrogation of the applicants is now necessary to ascertain the veracity of the Affidavit-cum-No-Objection dated 07/04/2017 of the complainant Banshraj Kurmi. This is the precise document, which is alleged to be a fraudulent one for which the applicants are facing charge. The burden lies on the prosecution to show that this document is forged. Further,

this document is executed on 07/04/2017 and after lapse of five years, I do not think that the custodial interrogation of the applicants would take the case of the prosecution any further.

Hence, the order dated 25/08/2022 is confirmed. Needless to state that the applicants shall continue to render his co-operation to the Investigating Officer.

(SMT. BHARATI DANGRE, J.)