

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

Criminal Application (APPLN) No. 44 of 2021

Rekha Wd/o Jaikrushna Bhandarkar

Versus

State of Maharashtra, through Police Station Officer, Tiroda Police
Station, District Gondia and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.R.Bhishikar, Advocate for the applicant.

Shri M.J.Khan, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 25th MARCH, 2022.

This is an application filed under Section 439(2) read with Section 438 of the Code of Criminal Procedure for cancellation of pre-arrest bail granted to the respondent nos. 2 to 4 vide order dated 10th June, 2021 passed by learned District Judge-2 and Additional Sessions Judge, Gondia in M.C.B.A.No.126 of 2021.

2. The respondents nos 2 to 4 were granted bail in Crime No. 334 of 2021 for the offences punishable under Sections 420, 468, 470 read with Section 34 of the Indian Penal Code registered with Tirora Police Station. The allegations are that the husband of the informant died on 5th November, 2014 who had agricultural land with father and brothers in

Tirora and the accused persons have prepared forged partition deed dated 13th July, 2003 and thereby cheated the informant.

3. In this case, the charge sheet has already been filed and it is not the case of the prosecution that they need custody of the respondent nos. 2 to 4 or respondent nos. 2 to 4 have misused the liberty or breached the condition of the bail granted to them. The challenge to the order granting anticipatory bail, is raised on the ground that some of the reasons recorded for grant of bail are contrary to record.

4. After going through the reasons recorded by the learned trial Court while granting anticipatory bail, the police have seized the documents. As the dispute is a family dispute, the Court has held that custodial interrogation of respondent nos. 2 to 4 is not necessary. The said fact remains even after filing the charge sheet and as such, I do not find any merit in the present application, as no case is made out for cancellation of bail. Accordingly, I pass the following order.

ORDER

The application is rejected.

[ANIL S. KILOR, J.]