

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

CRIMINAL APPLICATION (ABA) NO.367 OF 2022

(GANGAPRASAD BHAURAO KHANDARE....VS.. STATE OF MAH. THR. PSO PS MAHAGAON,
DIST. YAVATMAL.)

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

Court's or Judge's orders

Shri K.S.Narwade, Advocate for Applicant.
Ms Shamsi Haider, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : JUNE 14, 2022.

1. Heard.
2. This is an application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail in connection with Crime No.132 of 2022, registered with Police Station, Mahagaon, District: Yavatmal for the offences punishable under Sections 406, 420, 464, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant points out that the applicant and the complainant are the real brothers and in the First Information Report in question the grievance about the amount received by the applicant on 04/03/2013, is raised after 9 years. It is submitted that no explanation has been offered for such a huge delay.

4. The learned counsel for the applicant further submits that the applicant has been falsely implicated in the alleged offence. It is further submitted that custodial interrogation of the applicant is not necessary.

5. The learned A.P.P. strongly opposes the application.

6. From perusal of the case diary and the F.I.R. it appears that the complainant is raising a grievance against the applicant that he has withdrawn amount of Rs.32,500/- on 04/03/2013 by forging his signature. There is delay of 9 years in lodging the report.

7. In that view of the matter, I am of the opinion that the applicant is entitled for grant of anticipatory bail. Accordingly, I pass the following order:

i) The application is allowed.

ii) It is directed that in the event of arrest in connection with Crime No.132/2022, registered with Police Station, Mahagaon, District : Yavatmal for the offences punishable under Sections 406, 420, 464, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code the applicant shall be released on bail on furnishing P.R. Bond in the sum of Rupees Fifteen Thousand with one solvent surety in the like amount.

iii) The applicant shall attend the concerned Police Station daily from 22/06/2022 to 25/06/2022 between 10:00 a.m. and 12:00 noon and thereafter as and when his presence is required.

iv) The applicant shall not tamper with the prosecution evidence.

v) The applicant shall not leave the jurisdiction of the concerned Police Station without leave of the Court.

The Criminal Application is **disposed of** accordingly.

JUDGE

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