

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

CRIMINAL APPLICATION (ABA) NO.374 OF 2022

Pravin K. Bokade and another **Versus** State of Maha. thr. PSO PS Ramnagar, Wardha

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

Court's or Judge's Order

Shri S.W. Sambre, Advocate for the applicants.

Shri T.A. Mirza, A.P.P. for the Non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/06/2022

1. The applicants are seeking bail in Crime No. 473/2022, registered with Police Station, Wardha City for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants entered into an agreement with one co-accused Jayant Kawale who was entrusted with the work of obtaining necessary permission and documents for construction. He submits that the agreement is in writing and looking to the role of the co-accused Jayant Kawale, his bail application was rejected by this Court on 21/06/2022.

3. He further submits that looking to the contents of the agreement, it can be seen that the applicants are nowhere connected with the submission of documents which were

subsequently found to be forged one in view of the fact that, the said responsibility of obtaining documents was of the co-accused- Jayant Kawale. Accordingly, he submits that the custodial interrogation is not necessary.

4. He further submits that the applicants had attended the concerned Police Station, after they were released on ad-interim anticipatory bail and there is no complaint of misuse of liberty by the applicants. Accordingly, he prays for grant of pre-arrest bail.

5. Shri T.A. Mirza, learned APP strongly opposes the present application.

6. I have perused the Case Diary and FIR.

7. The case diary show that there was an agreement between the accused Nos. 1 and 2 with the accused No.3-Jayant Kawale, whose bail application was rejected by this Court. As per the agreement, the responsibility was taken by the accused No.3 to obtain all the necessary permission and NOC for construction. *Prima-facie* it shows that the accused No.3 has obtained the documents which alleged to have fabricated by the accused persons.

8. Looking to the role of the applicants in the light of the agreement between the accused Nos. 1 and 2 with the

accused No.3 and considering the fact that the applicants had attended the concerned Police Station, during the period when they were on ad-interim bail, I am of the opinion that the custody of the applicant is not necessary.

9. Moreover, there is nothing to show that if the applicant is released on bail, there is any possibility of pressurizing the prosecution witnesses or tampering the prosecution evidence or he will not be available for trial. In that view of the matter, I pass the following order :

- a] The criminal application is **allowed**
- b] The order passed by this Court dated 08/06/2022 granting ad-interim anticipatory bail is confirmed.

JUDGE