

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

Criminal Application (ABA) No. 393 of 2022

Jayant S/o Namdeo Kawale

Versus

The State of Maharashtra, through Police Station Officer, Ramnagar, Tah.
Dist. Wardha

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

Court's or Judge's Order

Shri Sachin Sambre, Advocate for the applicant.

Shri A.M. Deshpande, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 21st JUNE, 2022.

The applicant is seeking for grant of pre-arrest bail in Crime No.473 of 2022 registered with Police Station Ramnagar, Wardha for the offence punishable under Sections 420, 465, 468, 471, 473 read with Section 34 of Indian Penal Code.

2. Shri Sambre, learned counsel for the applicant submits that he is no way connected with the alleged offence but he has been falsely implicated in the alleged offence. He submits that as far as creation of bogus document is concerned, one Vikas Mahakalkar is

responsible. He therefore submits that the custody of the applicant is not necessary in this case.

3. Learned Additional Public Prosecutor points out from the case diary that there was an agreement between the accused nos. 1 and 2 wherein there is a specific mention about the role to be played by the applicant in construction of house. The agreement says that all the permissions shall be obtained by the applicant. He therefore submits that there is sufficient incriminating material to show that applicant is involved in the alleged offence. Accordingly, he prays for rejection of the application.

4. I have perused the case diary and also First Information Report.

5. There is an agreement filed on record, between the accused 1 and 2 wherein it is stated that the applicant would obtained all the necessary documents and permission for construction. The applicant is not denying the said fact. However, in the application at page 5 in paragraph 3, he has stated that the said work thereafter entrusted to one Vikas Mahakalkar, who is responsible for the creation of bogus documents.

6. Looking to the allegations made in the First Information Report, it can be seen that bogus stamps were created and also signatures were forged by the

accused persons. Thus, looking to the allegations made in the First Information Report, I am of the opinion that the custodial interrogation of the applicant is necessary.

7. Whether the bogus documents created by the applicant or by the person to whom the said work was entrusted, is a matter of investigation and therefore, the custodial interrogation of the applicant is necessary. In the above backdrop I pass the following order:

i. Application is rejected.

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.06.21
18:26:26 +0530