

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

Criminal Application (BA) No. 661 of 2022

Chetan S/o Vitthalrao Thakare and another

Versus

State of Maharashtra, through Police Station Officer, Police Station
Awadhootwadi, Yavatmal, Tah. & Dist. Yavatmal

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

Court's or Judge's Order

Shri J.S.Wankhede, Advocate for the applicant.

Shri V.A. Thakare, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 30th JUNE, 2022.

The applicants are seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 0387 of 2022 registered with Police Station Awadhootwadi, Tah & Distt. Yavatmal for the offences punishable under Sections 394, 406, 420, 467, 468, 471, 408, 504, 506 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicants submits that they have been falsely implicated in the alleged offence and this can be seen from the fact of delay in lodging the report. He submits that though it is the case

of prosecution that the complainant got the knowledge about the cheating and forging, in the month of February, 2022, the report came to be lodged on 18th April, 2022. He submits that no explanation has been offered for such delay.

3. It is further submitted that the applicants are in jail from last more than two months and the investigation is almost completed.

4. It is further pointed out that all the relevant documents and record have been seized by the Investigating Officer and as such no further custody of the applicant is necessary in this case.

5. On the other hand, learned Additional Public Prosecutor opposes the application.

6. I have perused the case diary and the First Information Report.

7. It appears from the case diary that the investigation is almost over and Investigating Officer has seized the relevant record and documents including receipts of payment. Furthermore, the applicants are in jail from last more than two months. In the circumstances, looking to the allegations made in the First Information Report, I am of the opinion that no further custody of the applicants is necessary. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicants shall be released on bail in Crime No. 0387 of 2022 registered with Police Station Awadhootwadi, Tah. & Distt. Yavatmal for the offences punishable under Sections 394, 406, 420, 467, 468, 471, 408, 504, 506 read with Section 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- each with a solvent surety in the like amount;
- iii. The applicants shall attend the concerned police station on 1st day of every month between 10 am to 12 noon till the conclusion of the trial;
- iv. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v. State is at liberty to apply for cancellation of bail in case the applicants commits similar offence.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.06.30
17:30:06 +0530