

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

CRIMINAL APPLICATION (ABA) NO.740 OF 2021

(MOHAMMAD ASIF ABDUL GAFFAR....VS.. STATE OF MAH. THR. PSO PS KAMPTEE, DIST.
NAGPUR)

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

Court's or Judge's orders

Shri Y.Y.Humne, Advocate for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : MARCH 03, 2022.

1. Heard.
2. On the allegation that, on an application under Section 308 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 the applicant had put a bogus stamp of Municipal Council and mentioned a wrong date and without submitting the original copy of it to the Municipal Council, had taken away the original copy, an offence under Section 420 of the Indian Penal Code was registered against the applicant vide Crime No.240 of 2021 with Old Kamptee Police Station, District : Nagpur.
3. This Court, vide order dated 2nd November 2021, had granted ad-interim anticipatory bail and he was directed to attend Police Station on every Sunday between 12:00 noon and 02:00 p.m. It is informed that the applicant has complied with the said directions and there is no complaint of misuse of liberty.

4. On perusal of the case diary and the allegations made in the First Information Report, *prima facie*, it is doubtful whether Section 420 of the Indian Penal Code will apply in this case, even if the allegations on the face of it are considered to be true. As, *prima-facie*, no incriminating material is found to attract Section 420 of the Indian Penal Code, I am of the opinion that the order dated 2nd November 2021 needs to be confirmed. Hence, the following order:

- i) The application is allowed.
- ii) The order dated 2nd November 2021 is confirmed.
- iii) The applicant shall attend the concerned Police Station as and when his presence is necessary.

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

JUDGE

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