

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1070 OF 2023

BHARTABAI TATERAO PHAPHAGIRE
 VERSUS
 THE STATE OF MAHARASHTRA

...
 Advocate for Applicant : Mr. Abhaysinh K. Bhosle
 APP for Respondent – State : Mr. S.P. Sonpawale

...

CORAM : R. M. JOSHI, J.
 DATE : JULY 26, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No.170 of 2023 registered with New Mondha Police Station, District Parbhani for the offences punishable under Sections 420, 468, 471 r/w. 34 of the Indian Penal Code.

2. Learned counsel for applicant states that allegation in First Information Report is about preparation of the forged adoption deed. According to him, the said adoption deed is already seized by the Investigating officer. He further submits that in view of filing of charge-sheet and seizure of the adoption deed, custody of applicant is not necessary.

3. Learned APP opposed application by submitting that

thought the adoption deed is seized by Investigating Officer, thumb impression of applicant is required to be taken for the purpose of comparison of thumb impression made on said adoption deed.

4. In reply to said contention, learned counsel for applicant states that applicant is ready to give thumb impression to investigating agency as and when called.

5. Considering the facts that there is no recovery to be done at the instance of applicant and as applicant is ready to give thumb impression for the purpose of further investigation in the crime, this is a fit case to allow the application with following direction. Hence, following order:

ORDER

(i) Application is allowed in terms of interim relief dated 05.07.2023 except condition no.(ii) which is modified as under:

(a) Applicant to attend concerned Police Station once in fortnight till filing of charge-sheet. She shall be deemed in police custody for the purpose of obtaining thumb impression.

[R. M. JOSHI]
JUDGE

GGP