

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1421 OF 2023

HANAMANT PANDURANG CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. A. B. Dhongade
APP for Respondents: Mr. S. W. Munde

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CORAM : R.M. JOSHI, J
DATE : NOVEMBER 02, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 164 of 2023 registered with Shivajinagar Police Station, Dist. Nanded for the offences punishable under Sections 420, 467, 468, 471, 506 and 34 of the Indian Penal Code.

2. Anilkumar reported to the police about the alleged execution of false documents by the co-accused in respect of plot nos. 9, 10 and 11. It is the contention of the informant that he is the owner of 5250 sq.ft area from plot no. 9. He alleges that co-accused by executing false documents are trying to grab his property.

3. Learned Counsel for the Applicant submits that except for the name of the present Applicant in the FIR, there is absolutely nothing to indicate his involvement in the crime. He further submits that in respect of the document referred in the FIR, he is neither party nor even witness to the said document. He placed on record certificate copy of OMCA No. 172/2023 filed by the informant herein before JMFC, Nanded wherein the report of police was called by order dated 12.04.2023. He submits that in suppression of the said fact, present FIR came to be filed on 02.06.2023. It is his further submission that in the application made before the Magistrate present Applicant is neither accused nor any allegation is made against him. Thus, according to him, it is a case of false implication.

4. Learned APP opposed the application mainly by relying upon the allegations in the FIR. It is submitted that specific allegations are made of creating false documents in order to grab property.

5. At the outset, it needs to be recorded that in the FIR except for the vague statement that present Applicant in collusion with co-accused committed crime,

there is absolutely nothing to indicate his involvement in the crime. The certified copy placed on record of OMCA No. 172/2023 *prima facie* falsifies the allegations made against present Applicant in the FIR. This Court, therefore, finds substance in the contention of learned Counsel for the Applicant that this could be a case of false implication.

6. Having regard to these facts, application stands allowed by confirming interim order dated 28th August, 2023.

(R. M. JOSHI, J.)

Malani