

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1401 OF 2022

Omkar Rajkumar Waghmare

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....

Mr. Rohit Patwardhan, Advocate h/f Mr. Satej S. Jadhav,
Advocate for the Applicant
Mr. R.P. Gour, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th JANUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 0088 of 2022, registered with Shivajinagar Police Station, District Latur for offences punishable under sections 420, 465, 468, 471 of the Indian Penal Code and section 82 of the Indian Registration Act, 1908.

2. FIR is lodged by In-charge Sub-Registrar alleging that Suryakant Mahadeo Khobare executed a registered document bearing registration No. 9734/2021, at Sub-Registrar Office, Latur on 31/11/2021, by affixing forged *Gunthewari* Regularization order, which was alleged to be

issued by Collector, Latur. It was found that the said order was forged and fabricated, and hence under the directions of Collector, he has lodged the FIR alleging that Suryakant Khobare has cheated the Government, and the Sub-Registrar Office.

3. During the investigation, it was transpired that the said forged *Gunthewari* Regularization order was prepared at the shop owned by applicant.

4. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the State. Perused the investigation papers.

5. It is the case of applicant that the shop was initially run by his father and after his death, one Baliram, who was working in the shop was operating the shop. Baliram expired on 31/12/2021. The applicant has no concern with the alleged offence.

6. Admittedly, the alleged forged document is prepared prior to 31/12/2021. During the course of investigation, the shop of the applicant was raided, and two computers were seized, one with the hard disc, one without hard disc.

7. The applicant was granted interim protection and he has attended the concerned police station, and co-operated in the investigation. The hard disc of second computer is produced by the applicant before the Investigating Officer. In the light of these facts, nothing remains to be recovered from the applicant. Pre-trial custody of the applicant, in the facts of the present case, is not necessary.

8. The application is, therefore, allowed by confirming the interim order.

9. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane