

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1650 OF 2023

SANDIP MACHINDRA PAWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. S. E. Shekade
APP for Respondents: Mr. V. S. Badakh

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CORAM : R.M. JOSHI, J
DATE : NOVEMBER 07, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 824 of 2023 registered with Pathardi Police Station, Dist. Ahmednagar for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code and Section 82 of Registration Act.

2. First informant is the Sub-Registrar of Assurances and it is reported to the police that document came to be executed by impersonating the deceased person to be alive. Though Applicants are not named in the FIR, during the course of investigation from the statement of co-accused it is revealed that identification of the executors was done at the

instance of present Applicants.

3. Learned Counsel for the Applicants submits except for the alleged statement of the co-accused, there is absolutely no evidence to connect him with the crime.

4. Though learned APP opposed the application but was unable to show any evidence in order to establish nexus of the Applicants in respect of the execution of document by way of impersonation.

5. Admittedly, there are no criminal antecedents against Applicants. There is no other evidence except for the statement of co-accused which is not admissible in evidence to presume involvement of the Applicants in the crime. Opportunity was given to the prosecution in order to show that at least presence of the Applicants along with co-accused at the Sub-Registrar's Office, however, on instructions, learned APP states that CCTV footage is not available now as the period of 7 days for which footage is maintained is already lapsed. Thus, at this stage, there is nothing on record to connect Applicants with the crime. As there are no

criminal antecedents against them, it would be a fit case for grant of pre-arrest bail.

6. In view of above, application stands allowed.

Hence, order:

O R D E R

- (i) In the event of arrest the of Applicants in connection with with C.R. No. 824 of 2023 registered with Pathardi Police Station, Dist. Ahmednagar for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code and Section 82 of Registration Act , they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.
- (iii) They shall attend the concerned police station as and when called.
- (iv) They shall not contact the witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in any manner whatsoever.
- (vi) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

Malani