

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.1295 OF 2023**

|                               |                |
|-------------------------------|----------------|
| Bhausahab Abhiman Suryavanshi | ... Applicant  |
| <b>V/s.</b>                   |                |
| The State of Maharashtra      | ... Respondent |

Mr. Mahendra N. Sandhyanshiv for the applicant.

Ms. Rutuja Ambekar, APP for the respondent/State.

Mr. Jayesh Piraji Patil, API, Chavani Police Station,  
Malegaon, District Nashik is present.

**CORAM : AMIT BORKAR, J.**

**DATED : JUNE 23, 2023**

**P.C.:**

1. Apprehending arrest in connection with C.R. No.74 of 2021 registered with the Chavani Police Station, Malegaon, District Nashik for offences punishable under section 420, 467, 468, 471, 485, 120(B) of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. On 25<sup>th</sup> February 2021, the informant lodged a complaint with respondent police station alleging that accused No.1 with the help of applicant and other co-accused executed a bogus document and executed sale deed in favour of accused No.2. It is alleged that on 27<sup>th</sup> January 2021, the accused persons prepared bogus Aadhar

Card of the informant in the name of accused No.1 and by using said bogus Aadhar Card accused No.1 transferred property of the informant in the name of accused No.2.

3. The applicant, therefore, approached the sessions Judge under section 438 of the Criminal Procedure Code, 1973, which has been rejected by order dated 25<sup>th</sup> March 2021.

4. Learned advocate for the applicant invited my attention to the order passed by this Court on 22<sup>nd</sup> March 2021 in Anticipatory Bail Application No.808 of 2021, wherein this Court recorded a statement of the investigating agency that custody of the accused No.1 was not required.

5. Considering the statement made by the investigating officer in relation to the accused No.1 and considering the material on record which do not indicate at this stage any active role played by the applicant, the applicant has made out a case for relief under section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.74 of 2021 registered with the Chavani Police Station, Malegaon, District Nashik for offences punishable under section 420, 467, 468, 471, 485, 120(B) of the Indian Penal Code, 1860, he shall be released on bail on furnishing PR Bond in the sum of Rs.25,000/-, along with one or two sureties in the like amount;

b) The applicant shall cooperate with the investigation and make himself available for interrogation whenever

required;

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

6. The anticipatory bail application is disposed of in above terms.

**(AMIT BORKAR, J.)**