

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPP) NO.397 OF 2023 IN
CRIMINAL APPLICATION (ABA) NO.87 OF 2023
Mohan Govinddrao Kashikar Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.P. Bhandarkar, Advocate for applicant.
Shri V.A. Thakre, APP for non-applicant/State
Shri Hitesh Khandwani, Advocate to assist the prosecution.

CORAM : ANIL L. PANSARE, J.
DATE : MARCH 01, 2023.

This is an application for grant of permission to assist the prosecution.

2. For the reasons stated in the application, the application is allowed and disposed of accordingly.

CRIMINAL APPLICATION (ABA) NO.87 OF 2023

3. On 13.02.2023, the following order was passed:

“ . Heard.

2. The Applicant is apprehending arrest at the hands of Police Station, Sakardara, Nagpur City in Crime No.473/2022 for the alleged offences punishable under Section 419, 465, 467 read with Section 34 of Indian Penal Code.

3. According to the Applicant, he is power of attorney holder of the family members, with whom, in fact, he had entered a deal for purchasing immovable property. It appears that for some

reason sale-deed was not executed, but general power of attorney has been executed.

4. It is the case of the Applicant that the deed was executed through the broker, who by projecting some persons as owner, has executed power of attorney in favour of the Applicant. It is further the case of the Applicant that he has paid the amount to the broker and the entries could be verified from the bank statement of the Applicant as well as the broker.

5. On enquiry, the learned APP seeks time to take instructions on the point whether the Applicant indeed is victimised.

6. The learned Counsel for the Applicant submits that the FIR has been lodged on 29/9/2022. The statement of the Applicant has also been recorded by the Investigating Officer. If that be so, by now the Investigating Officer ought to have investigated the matter on the point, whether the Applicant has been victimised. The Investigating Officer to remain present on the next date. The learned APP to submit status report of the investigation by the next date.

7. The learned APP seeks time to take instructions. Time granted.

8. In the interregnum, by way of interim relief, the Applicant is protected on the following conditions.

(i) In the event of arrest in Crime No. 473/2022 registered with Police Station, Sakkardara, Nagpur City for the alleged offences punishable under Section 419, 465, 467 read with Section 34 of Indian Penal Code, the Applicant – Mohan Govindrao Kashikar be released on bail on he executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

9. Stand over to 15th February, 2023.

10. The Applicant is directed to remove office objections by the next date”

4. The investigating officer is present.

5. Learned APP submits that the applicant has been interrogated and his statement has been recorded. He further submits, on instructions, that custodial interrogation of the applicant is not necessary.

6. If that be so, there is no reason why interim relief granted on 13.02.2023 should not be confirmed. Hence, interim order granted on 13.02.2023 is hereby confirmed on the following conditions:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 473/2022 registered with Police Station, Sakkardara, Nagpur City for the alleged offences punishable under Section 419, 465, 467 read with Section 34 of Indian Penal Code, the Applicant – Mohan Govindrao Kashikar be released on bail on he executing PR Bond in the sum of ₹25,000/- with one surety in the like amount.
- (iii) The applicant shall attend concerned Police Station as and when called by the investigating officer but till filing of the charge-sheet.
- (iv) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and to the Court concerned and shall not change the same till the final disposal of the case.
- (v) 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/her from disclosing such facts to the Court or any Police Officer.

(vi) The applicant shall not obstruct or hamper the police investigation and shall not play mischief with the evidence collected or yet to be collected by the Police.

(vii) The applicant shall maintain law and order.

(viii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of.

JUDGE

Wagh