

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.471 OF 2023

Sushil Ghanshamdas Rathi

Vs.

State of Maharashtra through Police Station Officer, Frezarpura, District Amravati

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

Court's or Judge's orders

Mr. A. D. Bhate, Advocate for applicant.
Mr. A. M. Kadukar, APP for respondent /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/07/2023

1. By this application, the applicant is seeking bail in connection with Crime No.799/2022 registered with Police Station, Frezarpura, District Amravati for the offence punishable under Sections 419, 420, 465, 466, 468 and 471 read with Section 34 of the Indian Penal Code. The applicant is arrested on 15.04.2023 since then he is in jail.

2. The accusation against the present applicant is on the basis of report lodged by one Dr. Paresh Narayandas Soni who has alleged that his land was transferred in the name of Dhanraj Rathi by using forged Aadhar Card and Pan Card. As far as the allegation against the present applicant is concerned, he stood witness in the said sale deed. Thus, as far as the allegation, the present applicant along with other

co-accused have executed the sale deed in favour of said Dhanraj Rathi by using the forged documents.

3. As far as the contention of the present applicant that the other co-accused who was also witness for the said sale deed is already released on anticipatory bail. The present applicant is behind bar since last four months. Now, the investigation is completed and chargesheet is filed. As far as further custody of the present applicant is concerned, is not required, now nothing is to be recovered from the present applicant.

4. The said application is strongly opposed by the State on the ground that the offence is of serious nature, if the applicant is released on bail, he will tamper with the prosecution evidence and prays for rejection of the application.

5. Heard learned Counsel for the applicant and learned APP for the State. Perused the investigation papers. Admittedly, the investigation is completed and chargesheet is filed. As far as the role of the present applicant is concerned, he stood as a witness for the said sale deed. For sufficient period he is already behind the bar. Now, the investigation is also completed. No purpose will be served by keeping him behind bar. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order.

- (i) The application is allowed.
- (ii) The applicant **Sushil Ghanshamdas Rathi** is released on bail in Crime No.799/2022 registered with Police Station, Frezarpura, District Amravati for the offences punishable under Sections 419, 420, 465, 466, 468 and 471 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not induce, threat or promise any witnesses who are connected with the alleged crime.
- (iv) The applicant shall furnish his cell phone number and address with the address proof.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate