

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

CRIMINAL APPLICATION (ABA) NO.886/2022

Venkateshwar Ramchandra Margoni .Vs. State of Maharashtra through its
PSO P.S. Sironcha, Dist. Gadchiroli

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

Court's or Judge's orders

Mr. R. R. Vyas, Advocate for applicant.
Mr. A. M. Kadukar, A.P.P. for non applicant-State.

CORAM : ANIL L. PANSARE, J.
DATE : JANUARY 4, 2023.

Heard learned counsel for the parties.

2. Accusation against the applicant is that he has signed the will as attesting witness, which was shown to be a registered document but, in fact, is not a registered document. The case of the applicant is that it is not he who has signed the will and that his identity card has been misused by someone else.

3. Learned Additional Public Prosecutor submits that the executant of the will Smt. Vemula Gattu has allegedly prepared the will on 06.01.2004 and is shown to have registered on 28.10.2016. However, the executant has expired on 20.03.2004. It is argued that apparently the applicant and co-accused have committed the offence in question.

4. Upon inquiry, learned Additional Public Prosecutor submits that the applicant has given his specimen signatures and finger prints. Nothing is required from him, at this stage. However, he opposed the application on the ground that the applicant may tamper with the prosecution witnesses.

5. Such an apprehension of the prosecution can be dealt with by imposing certain conditions. It appears that the investigation is likely to be completed in short time. Nothing is to be recovered from the applicant. He has cooperated in the investigation by giving his specimen signatures in support of his claim that it is not he who has signed the will.

6. Upon inquiry, learned counsel for the applicant submits that there are no criminal antecedents against the applicant. He is an agriculturist residing at the address mentioned in the application for years together. Thus, he has deep roots in the vicinity. The applicant has, therefore, made out a case. Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.220/2022, registered with Police Station, Sironcha, District Gadchiroli, for an offence punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of

the Indian Penal Code, applicant – Venkateshwar Ramchandra Margoni, be released on bail on he executing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station Sironcha, District Gadchiroli once in a week i.e. on every Wednesday, between 03:00 to 05:00 p.m.

(iv) The applicant shall furnish his address and telephone/mobile number(s) to the investigating officer. The applicant shall not change the same without permission of the Court.

(v) The applicant shall not tamper with the prosecution evidence.

The application is disposed of.

(Anil L. Pansare, J.)

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