

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3404 OF 2024

Deepak Suresh Nagpure ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Aniket Vagal a/w. Mr. Kunal N. Pednekar and Ms. Savvy Kolhekar for Applicant.

Mr. Prasanna P. Malshe, APP for Respondent-State.

Mr. S. V. Jagtap, H.C., Yeola City Police Station, Nashik.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 16, 2024

P.C. :

. Heard Mr. Vagal, learned counsel for the applicant and Mr. Malshe, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0282 of 2023 dated 26.08.2023 registered with Yeola City Police Station, District - Nashik Rural, for offences under Sections 387, 420, 467, 468, 471, 506, 120-B read with 34 of the Indian Penal Code, 1860.

3. The informant, in the present case, has claimed that the named accused persons conspired to deprive him of his land by executing a registered document and they presented some other person in place of the informant for execution of such registered document, concerning the land. Being a case of impersonation, serious allegations were made against the named accused persons.

4. The learned counsel for the applicant submits that the FIR does not name the applicant in the first place and secondly, that this Court has granted interim relief in favour of one of the named accused persons i.e.

Sachin Zumbar Patil @ Gaikwad. It is submitted that the only material against the applicant appears to be that, one of the named accused persons, has mentioned the name of the applicant as regards his presence outside the office where the subject document was registered.

5. It is submitted that the applicant is a mere typist, who types documents as per instructions given by parties and advocates outside the office of the Registrar and in that context, he may have handled the subject document, but no criminality can be attributed to him. It is highlighted that the applicant is not named as one of the accused in the FIR and that he is ready to co-operate with the investigation.

6. The learned APP has opposed the present application and he submits that the role of the applicant has come to light because of the statement given by co-accused - Shubham V. Mundhe, who can be said to be one of the main accused persons as he had arranged for a third person to impersonate the informant when the subject document was executed. It is submitted that the custodial interrogation of the applicant is necessary in that regard.

7. This Court has perused the order dated 01.10.2024 passed in Anticipatory Bail Application No.2654 of 2024 (Sachin Zumbar Patil @ Gaikwad Vs. State of Maharashtra). In the said order, although the aforesaid applicant was named as an accused person in the FIR, this Court found that interim relief can be granted in his favour, while keeping the application pending. This Court is further informed that the said application is coming up for consideration on 06.01.2025.

8. Considering the fact that the applicant was not named in the FIR and no role was attributed to him, coupled with the fact that his name has come to the fore only in the statement of the co-accused person and particularly in the backdrop of the statement made on behalf of the

applicant that he works as a typist outside the office of the Registrar, it would be appropriate that interim relief is granted and the application is kept pending. The applicant has undertaken to co-operate with the investigation.

9. In view of the above, list the application for further consideration on 06.01.2025, to be heard along with Anticipatory Bail Application No.2654 of 2024.

10. In the meanwhile, there shall be interim relief in the following terms:-

- A. Till the next date, in the event the applicant is arrested in connection with FIR No.0282 of 2023 dated 26.08.2023 registered with Yeola City Police Station, District - Nashik Rural, he shall be released on bail on furnishing PR Bond of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;
- B. The applicant shall remain present before the investigating officer on 18.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

11. In case any of the aforesaid conditions is violated, the present order would be liable to be cancelled.

(MANISH PITALE, J.)