



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

CRIMINAL APPLICATION (ABA) NO.101 OF 2024

Umedlal s/o Kawadu Jaitwar

Vs.

State of Maharashtra, Through Police Station Officer, Amgaon
District Gondia

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

Court's or Judge's orders

Mr. A. M. Ghare, Advocate for applicant.
Ms. H. N. Prabhu, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/04/2024

1. Apprehending arrest at the hands of police, in connection with Crime No.25/2024 registered with Police Station Amgaon, Tahsil Amgaon, District Gondia for the offences punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Onkarprasad Natthulal Tembhare, alleging that he purchased the property of Gat No. 646/2012, Plot No. 28. But, in the year 2022 i.e. on 12/02/2022, he came to know that the said plot was already sold out by the present applicant to the another person namely Puranlal Dulichand Pichore. Thus, the

applicant has duped him on the basis of said report, the police have registered the crime.

3. Learned Counsel Mr. A. M. Ghare for the applicant submitted that as far as the allegations are concerned, it is a transaction of civil nature, therefore no criminal offence is made out against the present applicant. The civil remedy is available to the informant. He submitted that during the investigation, the Investigating Officer has already recorded relevant statements of the witnesses. As far as the custodial interrogation is concerned, which is not required. The applicant has already cooperated with the investigating agency, in view of that, the ad-interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application on the ground that the applicant has forged the documents and executed the sale deed of the same property in favour of two persons. Considering the gravity of the offence, the application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. During the investigation, the Investigating Officer has recorded the statements of the various witnesses. As far as the forgery of the document is concerned, no material is collected to

show that it is the present applicant who has prepared the forged document. The rest of the allegation attracts the civil dispute between the parties. As far as the custodial interrogation is concerned, which is not required as material investigation is already carried out by the Investigating Officer. In view of that, ad-interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, in connection with Crime No.25/2024, registered with Police Station Amgaon, Taluka Amgaon, District Gondia for the offences punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code, the applicant – **Umedlal s/o Kawadu Jaitwar**, shall be released on anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)