



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

CRIMINAL APPLICATION (ABA) NO.167 OF 2024
(Babarao s/o Rangrao Shende Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.V. Rai, Advocate for the applicant.
Mr. Badar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 20, 2024.

By this application, the applicant is seeking pre-arrest bail. The applicant is apprehending arrest at the hands of police in connection with Crime No.178/2024, registered with Police Station Wardha, District Wardha for the offence punishable under Sections 468 and 471 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Manoj Chandrakant Udhole who is serving as a Registrar, District Court, Wardha. It is alleged that the applicant had filed an application on 06/01/2021 under Section 156(3) of the Code of Criminal Procedure against Sharad Shriram Khaparde and others two bearing M.C.A. No.12/2021 before the Judicial Magistrate First Class, Wardha and the said application is pending. It is alleged that on 11/07/2022, the matter was on the board and it was adjourned for further hearing and there was no order passed as to the issuance of any notice to the other side, inspite of that a summons notice was prepared and issued

to the non-applicant therein. It is alleged that the present applicant has prepared the seal of Judicial Magistrate First Class, Wardha and also bears the forged seal and stamp of the Court and by making the forged signature of the Assistant Superintendent the said notice was sent in Government envelope through post office.

3. Learned Counsel for the applicant submitted that as far as the allegations are concerned which are false one. Even the complainant can prepare such type of seals and use the said seals to obtain any benefit. As far as present applicant is concerned, it was not necessary for him to issue any notice as the application was filed under Section 156(3) of the Code of Criminal Procedure. He submitted that custodial interrogation of the present applicant is not required and the applicant be released on pre-arrest bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that considering the allegation which is of a serious nature as fabricated document like seal and signature which is prepared by the present applicant and signed on the name of the Assistant Superintendent which is a very serious act on the part of the present applicant, his custodial interrogation is required to ascertain from which place he has prepared the said seal and also requires to obtain his specimen signatures.

5. I have heard learned Counsel for both the parties, perused the recitals of the FIR from which it reveals that on 02/02/2024 the Registrar of the District and Sessions Court, Wardha had lodged the report stating that on 06/01/2021, the applicant lodged the complaint to the court of J.M.F.C., Wardha by filing Misc. Criminal Application No.12/2021. Though no order as to the notice was passed, the notice was issued by signing as an Assistant Superintendent. Thus, considering the allegations which are of serious nature that the allegations are that the applicant has not only prepared the seal but prepared the notice and made a forged signature of the Assistant Superintendent and issued the notice to the non-applicant therein.

6. Considering the allegations, the custodial interrogation of the present applicant is required. In view of that, the application deserves to be rejected.

7. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*