



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

CRIMINAL APPLICATION (ABA) NO.172 OF 2024
(Abdul Irshad Abdul Rafique 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. V. Vishwarupe, Advocate h/f Mr. Z.Z. Haq, Advocate for the applicant.
Mr. K.R. Lule, APP for the State.
Mr. C.A. Joshi, Advocate for intervenor.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 31, 2024.

Heard.

2. 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.76/2024 registered with Police Station Mana, Tahsil Murtizapur, District Akola for the offences punishable under Sections 419, 420, 465, 467, 468 and 471 of the Indian Penal Code.

3. As per the accusation made by the informant, she is a pardanashin lady. The applicant is her brother and another co-accused is her sister-in-law. Her father namely Abdul Rafique Haji Mohammad Hanif was owner of an ancestral property and also owner of some houses and farms. As per the allegations, all the legal heirs are having right in the said ancestral property. However, present applicant got executed the relinquish deed which is forged one and on the basis of said relinquish deed entered his

name in the revenue record. On the basis of said report, police have registered the crime.

4. Learned Counsel for the applicant submits that as far as allegations are concerned, no criminal offence is made out. He further pointed out that other sisters are also executed the relinquishment deed in favour of the present applicant and they have not made any complaint regarding the forged relinquishment deed. At the most, it is a family dispute which is of a civil nature and no criminal offence is made out. In view of that, the applicant be released on anticipatory bail.

5. Learned Additional Public Prosecutor and learned Counsel for non-applicant No.2 strongly opposed the application on the ground that the custodial interrogation of the applicant is required for the interrogation purpose as the said relinquishment deed is to be recovered from the present applicant. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for the parties. Perused the recitals of the FIR from which it reveals that the it is a dispute between brother and sister on account of the mutation in a name of the present applicant. It seems that there is a civil dispute between them regarding the partition of the said land. As far as relinquishment deed is concerned which is also executed by the other sisters who have not complained about the forged relinquishment

deed, the custodial interrogation as per the prosecution requires for the recovery of the said document. However, said document is already a part of the civil proceedings. In view of that, the custodial interrogation of the applicant is not required, and therefore, the interim protection granted to the present applicant deserves to be confirmed.

7. Hence, the application is allowed. The interim protection granted to the applicant vide order dated 11/03/2024 is hereby confirmed on the same terms and conditions.

8. The applicant shall attend the concerned police station as directed in the interim order till filing of the charge-sheet.

9. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)