



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

CRIMINAL APPLICATION (ABA) NO.190 OF 2024

Mohd Ahrar Mohd Shamim Qurashi

Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Achalpur, District Amravati

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

Court's or Judge's orders

Ms. Aastha Sharma, Advocate for applicant.

Mr. C. A. Lokhande, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/08/2024

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.55/2024 registered with police station Achalpur, District Amravati for the offences punishable under Sections 465, 468 and 471 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by Mangesh Bhaskarrao Solanke who alleged that present applicant has produced the disability certificate to extend the benefit under the Sanjay Gandhi Niradhar Yojana. Said benefit is for the handicapped persons. On scrutiny it revealed that the certificate produced by the present applicant is a forged certificate, and therefore, the benefit was not extended and the crime was registered against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the role of the present applicant is concerned, he has not forged the said document. The benefit is also not extended to him, it can be at the most termed as an attempt on the part of the present applicant. She further submitted that considering no benefit was extended, his custodial interrogation is not required. The certificate is already seized. In view of that, he be protected by granting pre-arrest bail.

4. Learned APP strongly opposed the said application on the ground that during the investigation, the involvement of the present applicant is revealed and he has prepared the said forged document for getting the benefit for his liability. In view of that, his custodial interrogation is required and therefore, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State and after going through the investigation papers, it reveals that the incriminating document i.e. the disability certificate is already seized by the investigating agency. As far as the custodial interrogation is concerned, it reveals that the Investigating Officer has not made out any ground for the custodial interrogation by issuing the notice under Section 41 of Cr.P.C. On the contrary, the notice is issued under

Section 41A of Cr.P.C. which shows that the Investigating Officer is not intending to have the custodial interrogation of the present applicant. Considering the same and in the light of the fact that, now incriminating document is already in possession of the investigating agency, his custodial interrogation is not required, in view of that, interim protection granted to the applicant by order dated 07.05.2024, is hereby confirmed with the similar conditions which are imposed by this Court.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)