



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

CRIMINAL APPLICATION (ABA) NO. 193 OF 2024

SHUBHAM S/O RAJU UTALE

VS

THE STATE OF MAHARASHTRA THR. PSO PS DARYAPUR, DIST. AMRAVATI

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

Court's or Judge's Order

Mr. R.J.Shinde, counsel for the applicant.

Mr. N.B.Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 05/04/2024.

1. By this application, the applicant is seeking pre-arrest bail in connection with crime no. 126/2024 registered with Police Station Daryapur, District Amravati for the offence punishable under Sections 419, 420, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

2. Learned counsel for the applicant submitted that the recitals of the FIR it shows that the applicant entered into an agreement with the complainant and other prosecution witnesses and impressed upon them, that he is the owner of the said plot situated in Daryapur. He agreed to sell the same plot to various persons and obtained the amount from them. On the basis of said report, police have registered the crime against the present applicant. He further submitted that the entire dispute resolves around the documents which are already seized by the investigating officer, as far as the custodial interrogation is concerned, the applicant has

attended the concerned Police Station and cooperated with the investigating agency, and physical custody of the applicant is not required. In view of that, the interim protection granted to him deserves to be confirmed.

3. Learned APP strongly opposed the said application on the ground that involvement of the present applicant is also in the act of forgery and therefore, his custodial interrogation is required. In view of that, the application deserves to be rejected.

4. After hearing learned counsel for the applicant and learned APP for the non-applicant/State, perused the recitals of the FIR. It reveals from the FIR that the present applicant is the nephew of the informant who represented the informant that one plot admeasuring 1800 Sq.Ft. is available at the rate of Rs. 510/- Sq.Ft. and he purchased the hundred rupees stamp and obtained her signature and also obtained the money from her. Subsequently, she inquired with him about the said plot but the plot was not purchased in her name and no sale deed was executed in her name.

5. Moreover, during the investigation, it further reveals that the present applicant has executed the agreement about the said plot with other persons also. From the investigation papers, it reveals that the investigating officer has already collected the agreement to sell and executed by the present applicant in favour of the various persons. Thus, material evidence is already collected by the investigating officer. As far as the custodial interrogation is concerned, nothing is to be

recovered from the present applicant. In view of that, the custodial interrogation of the present applicant is not required and therefore, interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is allowed.
- b] In the event of his arrest, in connection with crime no. 126/2024 registered with Police Station Daryapur, District Amravati for the offence punishable under Sections 419, 420, 468 and 471 read with Section 34 of the Indian Penal Code, 1860, the applicant – **Shubham s/o Raju Utale**, shall be released on anticipatory bail on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned Police Station once in a week on every Sunday between 10.00 a.m. to 01.00 p.m. and shall co-operate with the investigating agency.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]