



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

CRIMINAL APPLICATION (ABA) NO.388 OF 2024

Jaypal Maroti Atram

Vs.

State of Maharashtra, Through Rajura Police Station, District Chandrapur
and another

WITH

CRIMINAL APPLICATION (ABA) NO.414 OF 2024

Jagan Pundalik Durge

Vs.

State of Maharashtra, Through Police Station Officer, Rajura,
District Chandrapur

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

Court's or Judge's orders

Mr. R. P. Joshi, Advocate for applicant in ABA No.388/2024.
Mr. M. V. Rai, Advocate for applicant in ABA No.414/2024.
Ms. H. N. Prabhu, APP for State in both applications.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/07/2024

1. Both the applications are filed for grant of pre-arrest bail in connection with Crime No.310/2024 registered under Sections 406, 420, 465, 468 and 120-B of the Indian Penal Code.

2. The allegation against the present applicants is on the basis of report lodged by the informant namely Vitthal Mahadu Meshram with an allegation that he along with the present applicant - Jaypal is the joint sharers in the agriculture land

bearing Survey No.42 at Mouza Sondo. He further alleged that the present applicant - Jaypal has prepared the forged documents and obtained the crop loan. It is further alleged that the applicant Jaypal has obtained crop loan on the basis of false documents and signature of the deceased Madhukar Baburao Meshram and Prabhakar Baburao Meshram who were the joint possessors of the property and the another applicant namely Jagan Durge, who is the Manager of the Society has assisted them in preparing the said documents. On the basis of said report, police have registered the said crime against the present applicants.

3. Heard learned Counsel for the applicant Mr. R. P. Joshi in Criminal Application No.388/2024 and learned Counsel for the applicant Mr. Rai in Criminal Application No.414/2024. They both have submitted that as far as the allegation of the forged documents are concerned, there is no material collected during the investigation. As far as the crop loan is concerned, which was obtained by Madhukar and Prabhakar and which was repaid also. Due to the family disputes he has implicated the present applicants in the false crime, these allegations are made.

4. Learned Counsel Mr. Rai submitted that as far as the present applicant is concerned, he has not played any role and no such forged documents are

submitted and no such loan was sanctioned. Considering that the entire allegations are baseless without any evidence, the applicant be protected by granting anticipatory bail.

5. Learned APP strongly opposed the said application on the ground that the applicants have prepared the forged documents and obtained the loan in the name of Madhukar Baburao Meshram and therefore, custodial interrogation is required.

6. After hearing both the sides and on perusal of the investigation papers, admittedly, except the allegation there is no other material collected during the investigation to show the involvement of the present applicants in preparing the forged documents. As far as the custodial interrogation is concerned, which is not required, considering the material collected during the investigation. In view of that, both the applications deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

(i) Criminal Application (ABA) No.388/2024 and Criminal Application (ABA) No.414/2024 are allowed.

(ii) In the event of arrest in connection with Crime No.310/2024 registered under Sections 406, 420, 465, 468 and 120-B of the Indian Penal Code, the applicant **Jaypal Maroti Atram** in Criminal Application (ABA)

No.388/2024 and the applicant **Jagan Pundalik Durge** in Criminal Application (ABA) No.414/2024 shall be released on anticipatory bail, on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall attend the concerned Police Station as and when required for the investigation purpose and shall co-operate with the investigating agency.

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

7. Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)