



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

CRIMINAL APPLICATION (ABA) NO.437 OF 2024

Faraz s/o Shahadat Beg and another

Vs.

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

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

Court's or Judge's orders

Mr. A. S. Mardikar, Senior Counsel a/b Mr. Digvijay Prakash Singh for
applicants.

Mrs. M. A. Barabde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 16/08/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.301/2024, registered with Police Station, Badnera, District Amravati for the offences punishable under Sections 467 and 468 read with Section 34 of the Indian Penal Code, the applicants approached this Court for grant of pre-arrest bail.

2. Learned Senior Counsel Mr. Mardikar for the applicants submitted that the applicants are apprehending arrest at the hands of police, as crime is registered alleging that they have prepared the forged no objection certificate in the name of Tahsil Office and intending to use the same for obtaining the top up loan. He submitted that as far as the document is concerned which is found in possession

of one Ajay Goyal and that document is not used till today. He submitted that on the contrary, the application for grant of top up loan of the present applicants is already rejected. Thus, there is no necessity for the present applicants to prepare the forged certificate. Now, that document is already in possession of the investigating agency. The custodial interrogation of the present applicants is not required, in view of that, they be protected by granting ad-interim protection.

3. Learned APP strongly opposed the said application and placed reliance on the statement of Deepak s/o Laxman and submitted that from this statement it reveals that the document which was produced was a forged document. Thus, the custodial interrogation of the present applicants is required for the interrogation purpose.

4. After hearing the learned Senior Counsel for the applicants and learned APP for the State, perused the investigation papers from which it appears that admittedly, the document is not found in possession of the present applicants, but it was found in possession of one Ajay Goyal. Moreover, there is no material to show that present applicants have used the same as prior to the document is prepared the loan application of the present applicants is already rejected. On perusal of the investigation papers, it reveals that the statement of the witnesses

recorded which only shows that the said no objection certificate is not issued from the Tahsil office. As far as the connection of the present applicants with the said document is concerned, neither the said document is found in possession of the present applicants nor there is material to show that they have produced the same for obtaining the loan amount. The loan application of the present applicants was rejected prior producing the said certificate. Considering the same, at this stage, applicants have made out a case for grant of anticipatory bail in their favour. In view of that, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest, in connection with Crime No.301/2024, registered with Police Station, Badnera, District Amravati for the offences punishable under Sections 467 and 468 read with Section 34 of the Indian Penal Code, the applicant **No.(1) Faraz s/o Shahadat Beg** and **No.(2) Shahbaz s/o Shahadat Beg** 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 once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency, till filing of the charge-sheet.

(4)

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

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)