



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

CRIMINAL APPLICATION (APPP) NO.1192/2024

IN

CRIMINAL APPLICATION (ABA) NO.426/2024

Mangesh s/o Ramkrushna Sathe Vs. State of Maharashtra thr. P.S.O. Police Inspector,
P.S. Kharangan, Dist. Wardha and another

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

Court's or Judge's orders

Shri A.A. Naik, Advocate for applicant
Shri K.R. Lule, APP for respondent No.1/State
Shri K.D. Bhende, Advocate for intervenor

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 29/07/2024

By this application, the original complainant is seeking permission to engage the Counsel to assist the prosecution. In view of the reasons mentioned in the application, permission is granted.

CRIMINAL APPLICATION (ABA) NO.426/2024

1. Apprehending the arrest at the hands of the police, in connection with Crime No.411/2024 registered with Police Station Kharangana, District Wardha, for the offences punishable under Sections 420, 447, 465, 467 and 468 of the Indian Penal Code and under Section 4 of the Maharashtra Felling of Trees (Regulation) Act, 1964, the applicant has approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by one Nalini Shamraoji Patil, who is the sister of the original owner of the land bearing Survey No.50 admeasuring 15.91

H.R. Learned Counsel for the applicant submitted that the Makta Patrak was executed in favour of the present applicant to cultivate the land by the original owner, and in pursuance of the same, the possession was handed over and he was cultivating the land. But the informant, who is sister of the original owner, now filed the report alleging that the said Makta Patrak is forged one. The original owner has not filed any report till today, after execution of that Makta Patrak. He submitted that the applicant has already filed the civil suit and injunction is granted in favour the present applicant. He submitted that at the most, the dispute appears to be of a civil nature. Makta Patrak is already the part of the civil proceeding and, therefore, the custodial interrogation of the present applicant is not required.

3. Learned APP and learned Counsel for the complainant strongly opposed the application and submitted that the said Makta Patrak is forged one. They further submitted that the custodial interrogation is required as there is fabrication of the document which is a serious offence.

4. Heard the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as the copy of Makta Patrak. It is alleged that it is a forged one. It reveals from the FIR and copy of the Makta Patrak, which is allegedly executed in favour of the present applicant. The injunction order is also passed in favour of the present

applicant wherein the observation of the learned Trial Court shows the possession is in favour of the present applicant.

5. Admittedly, the report is not filed by the original owner of the said land. After perusal of the entire documents, it reveals that Makta Patrak is already the part of the proceedings. From the recitals of the FIR, it reveals that the nature of the transaction is of a civil nature however, investigation appears to be in progress and various statements are already recorded. The document is already the part of the civil proceedings and, therefore, the custodial interrogation is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of the arrest, in connection with Crime No.411/2024 registered with Police Station, Kharangana, District Wardha for the offences punishable under Sections 420, 447, 465, 467 and 468 of the Indian Penal Code and under Section 4 of the Maharashtra Felling of Trees (Regulation) Act, 1964, the applicant- **Mangesh s/o Ramkrushna Sathe**, shall be released on anticipatory bail on executing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned

police station on Sunday between 10.00 a.m. to 01.00 p.m., till filing of the chargesheet and shall cooperate with the investigating agency.

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

6. The present application is disposed of.

JUDGE

R.S. Sahare