



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

CRIMINAL APPLICATION (ABA) NO. 453 OF 2023

Anil S/o Mahadeorao Fulbandhe and another
..VS..

State of Maharashtra through P.S.O., P.S. Seloo, District Wardha

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

Court's or Judge's orders

Mr. U.P Dable, Advocate for applicants.
Ms. Sneha Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : JANUARY 11, 2024

By this application the applicant is seeking pre-arrest bail in connection with Crime No.415/2023, registered with Police Station Seloo, District Wardha for an offences punishable under Sections 420, 464, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.

2. The applicants are apprehending arrest at the hands of Police as accusation made against them on the basis of report lodged by Suresh Mukundrao Mute alleging that he never executed any power-of-attorney in favour of applicant No.1 and he had prepared false and fabricated power-of-attorney and executed a sale-deed in his favour and in favour of applicant No.2 and duped the present informant of Rs.3,00,000/-. On the basis of said report, the police have registered crime.

3. The learned Counsel for the applicants submitted that after releasing the present applicants on *ad interim* bail, they have co-operated the investigating agency and their custodial interrogation is not required. In view of that interim protection granted to them be confirmed.

4. Per contra, learned APP strongly opposed the said application on the ground that custodial interrogation of the present applicants is required and considering the allegations prays for rejection of the application.

5. Having heard the learned Counsel for the applicants and learned APP for the State and perused the recitals of the First Information Report and investigation papers. Entire case is based on the documentary evidence. The documents are already seized by the investigating agency. Though learned APP strongly opposed the application, but she fairly admitted that the applicants co-operated the investigating agency. Considering the facts and the applicants have already co-operated with the investigating agency, their custodial interrogation is not required. In view of that interim protection granted to the present applicants deserves to be confirmed.

6. Accordingly, I proceed to pass following order :

(i) The Criminal Application is allowed.

- (ii) In the event of arrest, the applicants – (1) Anil S/o Mahadeorao Fulbandhe and (2) Sau. Anjali W/o Anil Fulbandhe are released on anticipatory bail in connection with Crime No.415/2023, registered with Police Station Seloo, District Wardha for an offences punishable under Sections 420, 464, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, on executing P.R. 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 the investigating agency.
- (iv) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)