IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.540 OF 2024

(Uddhav s/o Shamrav Pawar Vs. The State of Maharashtra and anr.)

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

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Ms Y.A. Namde, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 26, 2024.

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.110/2023 registered with Police Station Amdapur, District Buldhana for the offence punishable under Sections 120-B, 294, 323, 368, 419, 420, 467, 471, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of order passed by the Magistrate under Section 156(3) of Code of Criminal Procedure. The complainant Raju @ Rajesh Prabhakar Gurav has approached to the Judicial Magistrate First Class by filing an application under Section 156(3) of the Cr.P.C. alleging that he has received the agricultural property Gat No.26 admeasuring 1H 59R from his mother. His mother died on 04/01/1993 and after the death of his mother he became the owner of the said property. It is alleged that present applicant has prepared the forged document that is Adhar Card and impersonated himself as a Rajesh Prabhakar Gurav i.e. the

informant and executed the sale-deed in favour of the co-accused. He has also prepared the forged Death Certificate of his mother. It is further alleged that the informant is a literate person and always signed in English but the sale-deed executed in favour of the co-accused shows the thumb impression. It is alleged that not only the applicant has prepared the forged documents but he has also prepared the forged seal of the Government office and used the same and executed the sale-deed by impersonating the informant. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the allegation against the present applicant is concerned are false one. The FIR lodged after a long delay. She further submitted that the informant has preferred the suit which he lost in the Civil Court and thereafter this false FIR is lodged against the present applicant. She submitted that as far as the custodial interrogation is concerned which is not required. The other co-accused is already released on bail by this Court. In view of that, the applicant be protected by granting anticipatory bail.

4. *Per contra*, learned APP strongly opposed the application and submitted that as far as the role of the present applicant is concerned which reveals from the various statements of the witnesses. She invited my

attention towards the statements of the witnesses wherein the witnesses have admitted that their signatures are obtained by the present applicant on a sale-deed and thereafter meeting was held in the village wherein the present applicant has admitted that he will reverse the said sale-deed and the ownership of the informant was admitted. Thus, he submitted that considering the various statements it reveals that as the present applicant has committed that he would reverse the sale-deed in favour of the informant, and therefore, there is a delay in lodging the FIR. Thus, the delay is properly explained. As far as the role of the present applicant is concerned which is not identical with the co-accused who is already released on bail. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the entire investigation papers from which it reveals that during investigation the Investigating Officer has also recorded the statements of the relevant witnesses as well as the government officials from which it reveals that the Death Certificate of the mother of the informant is also a forged certificate. The statements of various witnesses including the statement of the complainant and Rahul Prabhakar Gurav, Dnyaneshwar Rangnath Pophale etc. which shows that the applicant has obtained their signatures on the forged sale-deed thereafter the meeting was held in the village and wherein

the applicant admitted that he would reverse the said sale-deed in favour of the informant but in spite of this commitment he has not reversed the said sale-deed and thereafter the complainant approached to the Magistrate Court and in view of the order passed by the Magistrate the FIR is lodged. The statement of one Gramsevak Eknath Pundalik Suradkar also shows that the Death Certificate which is used in the said transaction is not issued by the Grampanchayat wherein he was serving i.e. of the Grampanchayat Dhotra Bhangoji. Thus, it appears that the applicant has not only impersonated the informant but he has prepared the forged seal as well as forged Death Certificate, forged Adhar Card and impersonated himself as Raju Gurav and executed the sale-deed in favour of the co-accused. Thus, considering the entire investigation admittedly, the custodial interrogation of the present applicant is required as the Investigating Officer has to investigate in what manner the documents are forged by the present applicant. Thus, *prima facie* case is made out against the present applicant. In view of that, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*