



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

**CRIMINAL APPLICATION (ABA) NO.623 OF 2024**

Suhas Barsu Barhate

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,  
Frezarpura, Amravati

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

Court's or Judge's orders

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Mr. U. J. Deshpande, Counsel for the applicant.

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

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 06/09/2024**

1. Apprehending the arrest at the hands of police in connection with Crime No.684/2024 registered with police station Frezarpura, District Amravati for the offences punishable under Sections 318(4), 337, 339, 340(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. As per the allegations, the remission application of Shivchandra Pran Bansod was under consideration through video conferencing between the Deputy Inspector General of Nagpur and the Superintendent of Amravati Jail, during which it was found that the remission for Shivchandra Bansod was in excess to what he is usually granted as per law. Therefore, inquiry was conducted and it was found that one convicted prisoner by name Shivchandra

Pran Bansod has forged three remission orders and have used the same to get permission of 195 days from his sentence.

3. It is alleged that Shivchandra Bansod has submitted the said forged remission orders which are originally in the name of some other prisoners of the jail and has submitted the same showing to his own and present applicant being Clerk has helped him in committing the crime of remitting his sentence, on the basis of forged documents. It is alleged that the applicant has not verified the genuineness of the said documents and due to the said act, the accused Shivchandra Bansod is benefited. On the basis of the said report, police have registered the crime against the present applicant.

4. Learned Counsel Mr. Deshpande for the applicant submitted that the applicant is a scapegoat in the said incident, in fact, he is not concerned with the alleged offence, only the act which is attributed to him is that he has taken the entry in the register, it may be dereliction in the duty or utmost the negligence. Considering the same, his custodial interrogation is not required. He submitted that as far as the handwriting part is concerned, the applicant is ready to cooperate with the investigating agency. Learned Counsel for the applicant further submitted that it was not his duty to verify the

genuineness it was the duty of the Jailor. In view of that, he be protected by granting anticipatory bail.

5. Learned APP strongly opposed the said application and submitted that due to the act of the present applicant, the accused who got the remittance on the basis of the forged documents and the investigation papers shows that during inquiry it revealed that he has assisted the accused in getting that benefit, in view of that the custodial interrogation is required to interrogate with him as well as to obtain his specimen handwriting, in view of that the application deserves to be rejected.

6. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers as well as the statements recorded during the investigation from which it reveals that without verifying the genuineness of the orders, he has taken the entries in the register and due to which the accused was benefited. It further reveals that the accused has taken the advantage by forging the documents. It is was the duty of the present applicant to verify the same before taking entry and before giving benefit to the accused.

7. Considering the statements recorded during the investigation, as the documents collected it reveals that present applicant has played a role in releasing the accused and therefore, *prima facie* case

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is made out against the present applicant. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

The application is rejected.

**(URMILA JOSHI-PHALKE, J.)**