



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

CRIMINAL APPLICATION (ABA) NO. 648 OF 2024

Shri Jayandrasingh Rajaramsingh Gautam Vs State of Maharashtra

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

Court's or Judge's Order

Mr. Alok Nagbirey, counsel h/f Mr. A.B. Shende, counsel for applicant.
Mr. S.A. Ashirgade, Addl. PP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 11/10/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.11/2024 registered with Police Station, Sakkardara, District – Nagpur, for the offence punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code, the applicant approached to this Court for grant of pre-arrest bail.

2. The sister of the applicant has lodged the report alleging that the applicant has prepared a relinquishment deed pertaining to the ancestral property situated at Mouza Hetameti by forging her signatures and by impersonating her and her sister, sold out the property, which is ancestral property. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that apparently the dispute appears to be of a civil nature. He

also placed on record a copy of the plaint showing that one of the legal heirs has already filed a civil suit against the present applicant, which is pending. The entire issue revolves around the document, i.e., the relinquishment deed, as well as the sale-deed. As far as the custodial interrogation is concerned, which is not required, in view of that, the applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application and invited my attention towards the document, and the photographs itself show that the informant was not present at the time of execution of the relinquishment deed. Thus, the intention of the applicant since inception is apparent, as far as the application of Section 467 is concerned, for which the punishment of life imprisonment is provided. The custodial interrogation of the present applicant is required. In view of that, he prays for rejection of the application.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that by impersonating the two other ladies, the present applicant projected that they are the sisters and got executed the relinquishment deed. As far as the custodial interrogation is concerned, which is one of the considerations and not the sole consideration, considering the nature of the allegations, admittedly, the custodial interrogation of the present applicant is required. In view of

that, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is rejected accordingly.

[URMILA JOSHI-PHALKE, J.]