



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

CRIMINAL APPLICATION (ABA) NO.674 OF 2024

Vaibhav s/o Sureshrao Mangale
Vs.

State of Maharashtra, Through its Police Inspector, Police Station,
Ramnagar, 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. S. W. Sambre, Counsel for the applicant.
Ms. Trupti Udeshi, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/10/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.727/2024 registered with Police Station, Ramnagar, Wardha, District Wardha for the offences punishable under Sections 409 and 468 read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Pramod Pralhad Tidake, Divisional Executive President of Bahunjan Employees Fedreation of India, Nagpur alleging that the present applicant in collusion with other accused Archana Kharbade and Ajaykumar Raut, committed forgery, prepared false documents/bills of expenditure and misappropriated funds of Rs.55,000/- during the training program of agriculturist. He filed an application under Section

156(3) of the Code of Criminal Procedure. The learned Magistrate passed an order against the same, the revision was filed and the said revision was allowed on the basis of the order passed in revision, the crime is registered against the present applicant.

3. Heard learned Counsel for the applicant who submitted that as far as the preparation of the forged bills is concerned, there is no material to show that it was the present applicant who has prepared the said forged bills. He further submitted that there is no dispute that the bills were produced by the present applicant, but the involvement of the present applicant in preparation of the forged bills nowhere reveals from the investigation papers. He further submitted that as far as the custodial interrogation is concerned, which is not required as nothing is to be recovered from him, the bills are already in possession of the investigating agency. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the applicant was appointed on honorary basis to implement the scheme and while implementing the scheme, the expenses were incurred during the concluding ceremony. It revealed from the investigation that the present applicant has produced the forged bills and obtained the money and he has also demanded 40% as his commission from the said amount. She

submitted that he was appointed honorary for implementing the scheme. But while implementing the scheme, he has prepared the forged documents and his custodial interrogation is required for the investigation purpose.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers, internal inquiry was also conducted from which it reveals that suspicion was raised against the present applicant that on comparison of the handwriting, it reveals that the handwriting which was found on the bills appears to be of the present applicant. It is further alleged that the present applicant not only prepared the forged bills, but he has also claimed 40% amount in the said bills. The statements of the shop owners are also recorded which also shows the involvement of the present applicant. As far as the custodial interrogation is concerned, which is one of the considerations and not the sole consideration. Admittedly, the investigation as to ascertaining the handwriting is required and for that purpose, the custodial interrogation of the present applicant is required. The considerations for grant of bail and considerations for grant of anticipatory bail are different. Considering the nature of the offence that the government money appears to be misappropriated on the basis of the forged bills *prima facie* case is made out against the present applicant.

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In view of that application deserves to be rejected.
Accordingly, the application is rejected.

(URMILA JOSHI-PHALKE, J.)

Sarkate