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

CRIMINAL APPLICATION (ABA) NO.679 OF 2024

(Sau. Kalpana Ajay Khakare and anr. Vs. The 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

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Mr. A.S. Mardikar, Sr. Advocate a/b Mr. V.R. Deshpande, Advocate for applicants.
Mr. N.B. Jawade, A.P.P. for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 17, 2024.

By this application, the applicants are seeking pre-arrest bail in connection with Crime No.394/2024 registered with Police Station Khamgaon, District Buldhana for the offences punishable under Sections 420, 451, 467, 468, 471 and 474 read with Section 34 of the Indian Penal Code.

2. Present applicants are the Directors of Amico Agrotech Pvt. Ltd. company. The report is lodged on an allegation that on 18/12/2019, the applicants obtained three loans and the informant stood as a Guarantor to the said loans. It is further alleged that due to the non-repayment of the aforesaid loan, the Chikhali Urban Cooperative Bank initiated a proceeding under Section 101 of the Maharashtra Cooperative Societies Act, 1960 against the borrowers and the guarantor to the said loans. It is further alleged that the present applicants have forged the signatures and renewed their loans. By forging

the signatures, the loans was obtained and he was shown as a guarantor to the renewal of the loan. On the basis of the same, police have registered the crime against the present applicants.

3. Learned Senior Counsel for the applicants pointed out that at one breath he is saying that his signatures were obtained when he was in jail, and on the second breath he is saying that his signatures are forged. He also pointed out from the document that the proceeding was initiated against the informant and the present applicant under Section 101 of the Maharashtra Cooperative Societies Act and he participated in the proceeding. While filing reply he nowhere alleged that his forged signatures are on the guarantee form. Thus, considering the documents on record he submitted that the involvement of the present applicants in the forgery does not reveals. Moreover, the applicants are cooperating with the investigation agency. The entire investigation is around the documentary evidence. In view of that, the interim protection granted to the applicants deserves to be confirmed.

4. Learned APP strongly opposed the application and invited my attention towards the recitals of the FIR as well as the original complaint application wherein it is alleged that the signatures which are on the guarantee form are the forged signatures. Learned APP further invited my attention towards the WhatsApp chat and

submitted that this WhatsApp chat is sufficient to show that the signatures were forged and the informant was asked not to appear in the proceeding. Thus, considering the act of the present applicants, intention can be gathered from the same and in view of that, application deserves to be rejected.

5. I have heard learned Senior Counsel for applicants and learned APP for the State. Perused the investigation papers as well as the documents filed along with the application from which it reveals that the applicants have obtained the loan for which the informant stood as a guarantor to the loans obtained by the present applicants. The proceeding was initiated by the Bank under Section 101 of the Maharashtra Cooperative Societies Act and the informant as well as the present applicants were served with the notices. The informant appeared in the said proceeding and filed his reply. From the said reply, nowhere it reveals that he informed in the said reply that these signatures are forged. Subsequent to the filing of the reply this FIR came to be lodged with the statements that his signatures were obtained when he was in a jail as well as another statement is that the signatures were forged one. In the light of this contradictory statement, if the material is considered along with the reply filed by the informant before the appropriate authority in a proceeding under Section 101 of the Maharashtra Cooperative Societies Act, it is necessary to ascertain whether the signatures are forged or the

signatures were obtained under the misconception. As far as the custodial interrogation for that purpose is concerned which is not required. The applicants are already directed to attend the police station and to cooperate with the investigating agency. The entire investigation revolves around the documents. In view of that, the interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicants – 1) Sau. Kalpana Ajay Khakare and 2) Ajay Baburao Khakare in connection with Crime No.394/2024 registered with Police Station Khamgaon, District Buldhana for the offences punishable under Sections 420, 451, 467, 468, 471 and 474 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing P.R. bond in the sum of Rs.25,000/- each with one surety each in the like amount.

(iii) The applicants shall attend the Economic Offence Wing, Buldhana once in a week i.e. on every Monday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall cooperate with the investigating agency.

(iv) The applicants shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case.

(v) The contravention of any of the condition imposed on the applicants would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*