



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

CRIMINAL APPLICATION (ABA) NO. 626/2023

Anil s/o Sitaram Sewada 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. Rajnish Vyas, counsel with Mr. S.A. Mohta, counsel for the applicant.
Mr. Suraj Hulke, APP for the non-applicant/State.
Mr. S.M.Khan, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 18/01/2024.

1. Apprehending arrest, the applicant prefers this application for grant of anticipatory bail, in connection with Crime No. 1038/23 registered with Awadhutwadi Police Station, District Yavatmal, for the offences punishable under Sections 406, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered against the present applicant on the basis of report lodged by Sharad Subhashchandra Bhoot, alleging that the applicant is a Director of Haridarshan Infrastructure Private Limited, Yavatmal, and is engaging his business of construction by accepting a Government Contract. The complainant has approached to the complainant for forming a partnership for carrying the business of executing the Government Contracts accordingly, they have executed a partnership deed under the name and style as "M/s Shri Shambaba Engineering and Contractors". As per the agreement, they have agreed

that, a bank account is required to be opened in the name of the Firm. While opening the account, it is alleged that the applicant has forged the signature of the complainant, on the basis of said report, the police have registered the crime.

3. Learned counsel Mr. Rajnish Vyas submitted that considering the allegation against the present applicant, the custodial interrogation of the applicant is not required, after releasing him on anticipatory bail he has co-operated with the investigating agency, and relevant investigation is already carried out. Now, only the report of the handwriting expert is to be received. For that purpose, the custodial interrogation of the applicant is not required, in the view of that ad-interim protection granted to the applicant deserves to be confirmed.

4. Learned APP strongly opposed the present application on the ground that prima-facie case is made out against the present applicant if he is released on bail, in the event of his arrest, the investigation would be hampered. Yet, the report of the handwriting expert is to be received. In view of that, the criminal application deserves to be rejected.

5. Learned counsel for the informant endorsed the same contention and strongly opposed the application for grant of bail.

6. After hearing learned counsel for the applicant and after perusal of the investigation papers, the allegation

against the present applicant is that he has forged the signature of the complainant while opening the bank account. The necessary documents are already collected by the investigating officer. During the investigation, the specimen signatures are also obtained and forwarded to the handwriting expert. For receipt of the handwriting expert opinion, the custodial interrogation of the present applicant is not required. In view of that, interim protection is granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The Criminal application is allowed.
- b) In the event of his arrest, in connection with Crime No. 1038/23 registered with Awadhutwadi Police Station, District Yavatmal, for the offences punishable under Sections 406, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860, the applicant – Anil Sitaram Sewada is released on ad-interim anticipatory bail on executing P.R. bond of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.

- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- e) The applicant shall furnish his cell phone number(s) and address with address proof.
- f) The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]