



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

CRIMINAL APPLICATION (ABA) NO. 693 OF 2024

Sau Sunita Digambar Amte 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. C.B. Barve, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

Mr. K.Y. Mandpe, counsel for assist to prosecution.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 02/12/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 412/2024 registered with police station Beltarodi, Nagpur for the offence punishable under Section 468, 465, 420 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Suhas Harishchandra Kale, who is the Secretary of the Rishi Cooperative Housing Society, on an allegation that the present applicant has purchased the plot of the Society on the basis of the forged document.

3. Learned counsel for the applicant submitted that initially the plot was purchased by Venubai; later on, she purchased the said plot, which was owned by Venubai. As far as the allegations of the forgery of the documents are concerned, he has invited my attention towards the

various documents, i.e., the sale-deed, correction-deed, and the communication which she has issued to the police officer after she came to know that the same plot is sold out to another person. It is alleged that the letter, which is issued by the Nagpur Improvement Trust (NIT), is not the genuine letter, but it is a forged one. It is further alleged that the correction deed is also a forged deed. On the basis of the said allegation, the crime is registered against the present applicant.

4. He submitted that much prior to the lodging of the FIR, she had made a complaint to the police, but the investigating agency has not taken any cognizance of the same, and no action was taken on record. It is submitted that the applicant is a teacher by profession, and she has purchased the said plot long back in the year 17/02/2000. He further submitted that after interim protection is granted to the present applicant, she has cooperated with the investigating agency, her custodial interrogation is not required.

5. Learned APP and learned counsel for the complainant strongly opposed the said application and submitted that the communication issued by the NIT, and the fact that the correction-deed was not found in the Registrar Office to show that it was a registered document. It is sufficient to show that on the basis of a forged document, the applicant is claiming the ownership of the said plot therefore, her custodial interrogation is required.

6. After hearing both sides and on perusal of the investigation papers, it reveals that long back, the applicant has obtained the sale-deed from its original owner. As far as the initial ownership of Venubai Jagobaji Tarale is concerned, which is not in dispute. Now, the same plot is sold out to two persons, and who is the genuine owner is to be decided on the basis of the evidence. Admittedly, there is a communication by the NIT to the extent that the letter issued by the NIT is not a genuine letter, and there is no regularization of Khasara No. 102 and 157/1, in favour of the said society. It is further apparent that the applicant has immediately made a complaint to the investigating agency when she came to know that said plot is sold out to any third person. As far as the involvement of the forgery is concerned, at this stage, no apparent material appears to be there. However, considering the investigation is at an initial stage, and that investigation revolves around documentary evidence, the application of the applicant deserves to be considered by imposing certain conditions. Accordingly, I proceed to pass the following order.

- a] The criminal application is allowed.
- b] In the event of arrest, in connection with Crime No. 412/2024 registered with police station Beltarodi, Nagpur for the offence punishable under Section 468, 465, 420 of the Indian Penal Code, 1860, the applicant –

Sunita Digambar Amte, shall be released on anticipatory bail, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- b] The applicant shall attend the concerned police station once in a week on Sunday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency till filing of the charge-sheet.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]