



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

CRIMINAL APPLICATION (ABA) NO.667 OF 2023

Vipul s/o Ramanlal Chandak

Vs.

State of Maharashtra, Through Police Station Officer, Khamgaon City, Khamgaon,
District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. C. Rathi, Advocate for applicant.
Ms. Mayuri Deshmukh, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/01/2024

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.492/2023, registered with Police Station, Khamgaon City, District Buldhana, for the offence punishable under Sections 120-B, 405, 406, 408, 409, 415, 416, 419, 420, 421, 423, 424, 425, 463, 464, 465, 466, 467, 468, 470, 471 and 477(A) read with Section 34 of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of police as one Balkisan Banshilal Chandak had filed an application Under Section 156(3) of the Code of Criminal Procedure and in view of the directions given by the Judicial Magistrate First Class, Khamgaon, the crime is registered. It is alleged by the complainant that he is resident of Khamgaon till 2008 and, thereafter, he shifted to Himmat Nagar (Gujrat).

One Satish Banshilal Chandak and Kiran w/o Satish Chandak have executed registered relinquish deed at the office of Sub-Registrar, Khamgaon on 29.01.2011 and it was shown that said relinquish deed was executed by the complainant. In fact, the complainant has never executed such relinquish deed and forged document is prepared by the co-accused. It is further alleged that present applicant was stood as a witness who is relative of the co-accused and the complainant. On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned, only role attributed to him that he stood as a witness to the said relinquish deed. No other role is attributed to the present applicant. His custodial interrogation is not required. He has cooperated with the investigating agency after he is released on ad-interim anticipatory bail. He further submitted that the investigation is practically completed and custodial interrogation is not required and prays for releasing the present applicant on anticipatory bail.

4. Learned APP strongly opposed the application on the ground that offence is of serious nature. Present applicant along with the other co-accused got executed the relinquish deed which is a forged document. On the basis of said forged document benefit is obtained by the co-accused, therefore custodial interrogation is required and prays for rejection of the application.

5. Having heard learned Counsel for the applicant, learned APP for the State, perused the investigation papers and the role attributed to the present applicant. After considering the investigation papers and recitals of the FIR, only role attributed to the present applicant is that he stood as a witness to the said relinquishment deed. The relinquishment deed is a registered document. Nothing is to be recovered from the present applicant. Though learned APP strongly opposed the application, she fairly admitted that the applicant has cooperated with the investigating agency. Considering the same, the application deserves to be allowed by confirming the interim relief granted in favour of the present applicant. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.492/2023, registered with Police Station, Khamgaon City, District Buldhana, for the offence punishable under Sections 120-B, 405, 406, 408, 409, 415, 416, 419, 420, 421, 423, 424, 425, 463, 464, 465, 466, 467, 468, 470, 471 and 477(A) read with Section 34 of the Indian Penal Code, applicant **Vipul Ramanlal Chandak** be released on anticipatory bail on his furnishing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the Police Station as and when required for the investigation purpose.

(iv) The applicant shall not leave the jurisdiction of Buldhana district without prior permission of the Court.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

(vi) The applicant shall furnish his cell phone number and address with the address proof.

(URMILA JOSHI-PHALKE, J.)