



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

CRIMINAL APPLICATION (ABA) NO.768 OF 2024

(Ramesh s/o Babanrao Thakre 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

Mr. S.P Sonwane, Advocate for the applicant.
Mrs. H.N. Prabhu, A.PP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 29, 2024

Apprehending the arrest at the hands of police in connection with Crime No.607/2024 registered with Police Station Hudkeshwar, Nagpur, District Nagpur for the offences punishable under Sections 406, 420, 465, 467 and 471 read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the entire allegation leveled against the present applicant is on the basis of report lodged by Dinesh Mahadeoraoji Khode on an allegation that the co-accused Kalawati Shinde and Pallavi Shinde have executed agreement to sell in his favour though the property does not belongs to them. As far as the present applicant is concerned, the allegation is that he and co-accused – Mukunda Dehare were present when the said property was shown to the informant. Learned Counsel submitted

that considering the same limited role attributed to the present applicant, his custodial interrogation is not required as entire transaction revolves around the documentary evidence. In view of that, he be protected by granting anticipatory bail.

3. Learned APP strongly opposed the application on the ground that present applicant is the person who introduced the informant with the co-accused. She also invited my attention towards the complaint of the co-accused which is filed against the present applicant which sufficiently shows the involvement of the present applicant in the alleged offence. She also invited my attention towards the statement of the other witnesses, whom also the present applicant deceived. In view of that, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the limited role is attributed to the present applicant. Though investigation is at a primary stage but even the statements on which the prosecution relied upon are not sufficient to show that the another role i.e. the deception or the present applicant has played any active role in deceiving the informant or other witnesses. As far as the statement of Alka Dhale is concerned which shows that the present applicant has obtained her signatures on some documents. Moreover, the entire investigation

revolves around the documentary evidence, therefore, the physical custody of the present applicant is not required. He has already cooperated with the investigating agency. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) In the event of the arrest, the applicant - Ramesh s/o Babanrao Thakre in connection with Crime No.607/2024 registered with Police Station Hudkeshwar, Nagpur, District Nagpur for the offences punishable under Sections 406, 420, 465, 467 and 471 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, either personally or by way of electronic media.

(v) On failure to attend the police station the protection granted to the applicant deserves to be cancelled.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*