



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

CRIMINAL APPLICATION (ABA) NO. 700/2023

Abhijeetsingh s/o Sureshsingh Thakur Vs State of Maharashtra.

WITH

CRIMINAL APPLICATION (ABA) NO. 721/2023

Sau. Sandhya w/o Prashant Bagaddeo 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. B.L. Borikar, counsel for applicant (in ABA No. 700/2023)

Mr. A. Bandre, counsel for applicant (in ABA No. 721/2023)

Ms. Trupti Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 29/01/2024.

1. Both the applications are filed by the applicants for grant of pre-arrest bail, in connection with Crime No. 256/2023 registered with Police Station Sonegaon, District Nagpur for the offences punishable under Sections 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code, 1860.

2. Learned counsel for the applicants submitted that the crime is registered on the basis of the report lodged by Ramnath Baliramji Kalsarpe, who is the President of Shri Prakash Gruha Nirman Sahakari Sanstha, alleging that the society has received the notice from Income Tax Department dated 15/03/2023 from which, it came to the knowledge that on 06/02/2018, a sale-deed of Plot No. 12-A and 12-B, of Khasra No. 152/2 out of the layout of said society situated at Mouja Somalwada,

Nagpur was executed for a consideration of Rs. 3,36,58,500/- and another sale deed 15/02/2018 at Plot No. 19 of Khasra No. 152/2 out of the said layout of said society situated at Mouza Somalwada, Nagpur was executed for a consideration of Rs. 1,17,61,500/-.

3. It is further alleged that the Income Tax has not been paid on the said sale-deeds and therefore, the explanation was called from the said society. Therefore, the complainant approached to the Income Tax Department and the said Income Tax Department handed over the certified copies of the said sale-deeds. It is brought to the knowledge of the complainant that, the applicant as well as the other co-accused have signed the above said sale-deeds as Director of the said company and duped the Society. On the basis of said report, the Police have registered the crime against the present applicants.

4. Learned counsel for the applicants submitted that considering the nature of the allegation, no criminal offence is made out, and it is a civil dispute between the society and the present applicant. As far as the investigation is concerned, the applicants have cooperated with the investigating agency. Now custodial interrogation is not required and they be protected by granting anticipatory bail.

5. Learned APP strongly opposed the present application on the ground that, considering the prima-facie material against the present applicants and the

society is duped for a huge amount, their custodial interrogation is required and hence, criminal applications deserve to be rejected.

6. Having heard learned counsel for the applicants and learned APP for the State, perused the investigation papers. From recitals of the FIR and the other relevant documents, it reveals that the allegations against the present applicants is that they have executed the sale-deed which are a forged sale-deeds. After the applicants were released on ad-interim anticipatory bail, they cooperated with the investigating agency. The entire material is in the nature of the documents therefore, custodial interrogation of the present applicants is not required. In view of that, ad-interim anticipatory protection granted to them deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The Criminal Application (ABA) No. 721/2023 and Criminal Application (ABA) No. 700/2023 are **allowed**.
- b) In the event of arrest of the applicant in Criminal Application (ABA) No. 721/2023 – **Sau Sandhya w/o Prashant Bagaddeo** and Criminal Application (ABA) No. 700/2023 – **Abhijeetsingh s/o Sureshsingh Thakur**, in connection with Crime No. 256/2023 registered with Police Station Sonegaon, District Nagpur for the offences punishable

under Sections 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code, 1860, are released on ad-interim anticipatory bail, on executing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.

- c) The applicants shall attend the concerned Police Station as and when required for the investigation purpose and shall co-operate with the investigating agency.
- d) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal applications are **disposed of**.

[URMILA JOSHI-PHALKE, J.]