



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

CRIMINAL APPLICATION (ABA) NO. 792 OF 2024

Prashant s/o Baban Goraman 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. Anirudh Ananthkrishnan, counsel for applicant.
Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/12/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.157/2024 registered with Police Station Mangrul Chawhala, District Amravati for the offence punishable under Sections 420, 468 and 471 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of a report lodged by one Vahita Nurdas Bhosle alleging that the present applicant has demanded the amount of Rs. 7,00,000/- on the pretext of providing her a job and accepted the amount of Rs. 2,00,000/- from her, and also issued the forged appointment letter. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that the informant was serving prior to the present applicant in the said Society. Moreover, the father of the

informant was Treasurer in the said Society. The falsity of the allegation can be ascertained on the fact that the father of the informant was serving as a Treasurer and it is not probable that the applicant would demand money from a person whose father is already looking after the day-to-day affairs of the said Society. He further submitted that now the applicant has already resigned from the job, and everything started after the resignation. Considering the alleged offences are punishable with imprisonment up to seven years and there is no compliance by issuing notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, which was required. In view of that, the applicant be released on anticipatory bail.

4. Learned APP strongly opposed the said application and invited my attention towards the appointed letter and submitted that the contents of the appointment letter itself is sufficient to show that it is a forged letter. She submitted that, in the appointment letter itself, it is mentioned that the amount of Rs. 2,00,000/- was received and Rs. 5,00,000/-to be deposited. She also invited my attention towards the statement of the Junior Clerk, Sadanand Prakash Pawar, and submitted that the entire documents used to be in the custody of the present applicant. Thus, considering all these aspects, prima-facie against the present applicant and in view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR and the documents filed on record, which shows that on 01/03/2019, the informant was in the service of the said society, and the documents show that the father of the informant was the Treasurer of the said society. Admittedly, the applicant has already resigned from the job, and thereafter, the said FIR came to be lodged. Now the cheque and the relevant documents are already in the custody of the investigating officer. The entire issue revolves around document i.e. the appointment letter, and whether it is a forged document or not, is the matter of investigation. Moreover, the alleged offences are punishable with imprisonment up to seven years, and therefore, the compliance under Section 35(3) the Bharatiya Nagarik Suraksha Sanhita, 2023 was required, which was not complied in view of the decision of the Hon'ble Apex Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation reported in [(2022) 10 SCC 51]***. Considering all these aspect, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is allowed.
- b] In the event of arrest, in connection with Crime No.157/2024 registered with Police

Station Mangrul Chawhala, District Amravati for the offence punishable under Sections 420, 468 and 471 of the Indian Penal Code, the applicant ***Prashant s/o Baban Goraman*** shall be released on anticipatory bail, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- c] The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.
- d] The applicant shall not induce, threat or promise any witnesses who acquainted with the facts of the case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]