



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

CRIMINAL APPLICATION (ABA) NO. 814 OF 2024

RAHUL BISAN KHANDARE

Vrs.

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

Shri S. V. Sirpurkar, Advocate for applicant.
Ms. Shams Haider, A. P. P. for non-applicant.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 05/12/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.246/2024 registered under Sections 120-B, 420, 464, 465, 466, 467, 468 and 471 of the Indian Penal Code, the applicant approached to this Court for grant of pre-arrest bail.

2. The applicant is apprehending the arrest at the hands of police as the crime is registered on 11/04/2017 on the basis of allegation that the Joint Charity Commissioner, Amravati has granted permission to sell out the Trust property having Gut No.436 and 437/1. It is alleged that the applicant accused along with the co-accused have forged and fabricated the order of the Joint Charity Commissioner and added other property of Priyadarshani Gramin Adivasi Utkarsh Foundation bearing Survey No.454 sold out by forged sale deed. On the basis

of said report, police have registered a crime against the present applicant.

3. Shri Sirpurkar, learned counsel has submitted that as far as present applicant is concerned who is employee by passing the resolution by the Trustees of the Trust, he was deputed to execute the sale deed. As far as forgery of the document is concerned, he is not at all concerned. He further pointed out that there was no permission to sell the property, only thing is that while passing the resolution, the Trustees and the office bearers of the Trust have included the property which was not in the original order. He submitted that as far as present applicant is concerned, he is the only executor, in view of said resolution passed by the Trustees of the Trust. Thus, he is a person who has committed the act of forgery. He further invited my attention towards Sections 466 and 467 of the Indian Penal Code and submitted that Section 467 of the Indian Penal Code is not at all applicable. Therefore, all the offences punishable are less than seven years. Considering the same, applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that the criminal law is set in motion as it revealed during the investigation that the sale of the trust property which was not permitted by the Joint Charity Commissioner was added in the order passed by the Joint Charity Commissioner. Thus, it is the order of the Court i.e. Joint Charity Commissioner was forged by the

present applicant and other co-accused. Since it is submitted that whether the present applicant has forged or by any other person is the matter of investigation. The investigation is at the initial stage. The custodial interrogation of the present applicant is required as far as the application whether Section 466 of the IPC is applicable or Section 467 of the IPC is applicable is the matter of investigation. At this stage, whether the custodial interrogation of the present applicant is required and the nature of offence requires to be considered.

5. After hearing both sides and on perusal of investigation papers, it reveals that the Joint Charity Commissioner has passed an order and permitted the Trust or the office bearers of Priyadarshani Gramin Adivasi Utkarsh Foundation to sell out the property bearing Nos.436, 437/1. Thereafter, resolution was passed on 10/10/2020. By this resolution, the Trustees and office bearers have added one more property showing that the Joint Charity Commissioner has permitted to sell out the said property and appointed the present applicant to execute the sale deed. The appointment letter which is placed by the State on record shows that applicant was appointed as an Administrative Officer on the said Trust. Thus, he was not a layman and it appears that he has not executed the sale deed as per the order of the Charity Commissioner. It is interpolation in the order of the Court, which is passed by the Court on the basis of the documents. Thus, considering the gravity of the offence, at

this stage, the applicant has not made out a case for grant of anticipatory bail.

6. In view of that, I proceed to pass the following order :

ORDER

7. Application is rejected.

[URMILA JOSHI-PHALKE, J.]

Choulwar