



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

942 ANTICIPATORY BAIL APPLICATION NO. 1493 OF 2023

**1. BAJIRAO BABU DHAS
2. DATTATRAY BHAGUJI POTE**

VERSUS

THE STATE OF MAHARASHTRA

...

**Advocate for Applicant : Ms. Sunita G. Sonawane
APP for Respondent/State: Mr. S. K. Shirse**

...

WITH

...

CRIMINAL APPLICATION NO. 348 OF 2024

IN ABA/1493/2023

BHARAT GABAJI DHAS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

**Advocate for Applicant : Mr. Shaikh Sohail Subhedar
APP for Respondent/State: Mr. S. K. Shirse**

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 12.03.2025

P.C. :

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicants are apprehending arrest in connection with Crime No.0679/2023, dated 20.07.2023, registered at Shrigonda Police Station, Taluka Shrigonda, District Ahmednagar, for the offences punishable under

Sections 420, 465, 467, 468, 471 r/w. 34 of the Indian Penal Code.

3] This court by order dated 12.09.2023 granted interim protection to the applicant noting submissions at paras 4, 5 and 6, as under:

“4. Learned counsel for the applicants states that co-accused has been granted interim protection by this Court by passing order in Anticipatory Bail Application No. 1412/2023. She submits that the allegations levelled against the present applicant and the co-accused are similar in nature. She therefore seeks protection of applicants.

5. Learned counsel for informant submits that interim protection was granted to the co-accused on the basis of statement that there is delay in lodging First Information Report and that civil proceeding is pending between the parties. By referring to the photocopies of the documents placed on record, it is sought to be contended that in the year 2021 itself complaints were made by the informant to the concerned police station, however no cognizance thereof was taken and hence there is no delay in lodging First Information Report.

6. During the course of submissions, a specific query was made to the counsel for informant that whether the document in respect of which allegation is made is the subject matter of the civil proceeding. He conceded to the said fact. Allegation in the First Information Report is that the document is fabricated and that the informant has never executed the same. At this stage, at least, it is clear that the issue about genuineness of the said document is pending before the competent Civil Court since 2021. Having regard to this fact, liberty of the applicants is protected till prosecution is heard in the matter. Hence, the following order :-...”

4] The learned counsel for the applicants submits that, thereafter, the applicants have cooperated with the investigation.

5] This court has granted interim protection considering that the issue about genuineness of the document is pending before the competent Civil Court since 2021. Considering the same and as the applicants thereafter cooperated with the investigation, interim protection granted earlier can be confirmed.

6] In view of the above, the interim protection granted by order dated 12.09.2023 stands confirmed, on the following terms:

i] The applicants shall attend the police station as and when required by the Investigating Officer.

ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

7] In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The Anticipatory Bail Application stands disposed of.

10] The application for assist to public prosecutor also stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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