

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1401 OF 2025

Surendra Baburao Liagude & Anr. ...*Applicants*

Versus

The State of Maharashtra ...*Respondent*

.....
Mr. Shailesh Kharat, for the Applicants.

Mr. A.S. Gawai, APP for Respondent-State.

PSI-Mr. Sagar P. Pawar, Sinhgad Road Police Station, Pune is present in Court.

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CORAM : ASHWIN D. BHOBE, J.

DATE : 29th MAY, 2025
(VACATION COURT)

P.C. :-

1. Heard Mr. Shailesh Kharat, learned for the Applicants and Mr. A.S. Gawai, learned APP for the Respondent-State.

2. By the present Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**"), seeking Anticipatory Bail in connection with FIR bearing no.195 of 2025 registered with Sinhgad Road Police Station, Pune for the offences punishable under Sections 3(5), 318(4),

336(2), 338 & 340(2) of the Bharatiya Nyaya Sanhita, 2023 (for short “**BNS**”).

3. Case of the prosecution is that the Applicants have created a false document "Sammattipatra" by forging the signature of Mr. Kishor Bettigiri, husband of the Complainant Mrs. Savita Kishor Bettigiri. As per the allegation in the complaint, the said false document was used as genuine by the Applicants, by submitting the same before the Additional Executive Engineer of MSEDCL, Vadgaon Sub-Division, Pune, for the purpose of changing the records of the electricity connection in respect of the shops to which the Complainant claims a right.

4. Mr. Shailesh Kharat, learned for the Applicants submits that the Applicants are not involved in the alleged crime. He submits that even assuming that there is creation of the document as alleged, then in such an event also, the same does not accrue to the benefit of the Applicants, as change of records in the Electricity Department does not confer title to the shop. He states that the Applicants have cooperated with

the Investigation Officer. He submits that the custodial interrogation of the Applicants is not required. He states that the Applicants do not have any criminal antecedents.

5. Mr. A.S. Gawai, learned APP for Respondent-State submits that the offences involved in the crime is of a serious nature. He states that the original document i.e, Sammatipatra alleged to be forged has been recovered from the Complainant. He further states that the statement of Notary before whom the said document was executed, has been recorded. He states that the custodial interrogation of the Applicants is required to ascertain the motive behind executing such document and whether the Applicants have followed the procedure for changing the electricity records of the shop.

6. I have given due consideration to the arguments advanced by the learned Advocates and gone through the records with the able assistance of the learned Advocates.

7. From the nature of the crime, the allegations center around change of records with the Electricity Department, in

respect of the electricity connection of the shop in question. Learned APP fairly states that the electricity bill or electricity connection records do not confer title in the shop. The original document (Sammattipatra), which is alleged to be a false document and allegedly used by the Applicants to change the records of the MSEDCL, is said to have been recovered from the Complainant. This itself prima facie creates a doubt of use of the said document by the Applicants. Statement of the Notary before whom the said document is said to have been executed, is recorded by the Investigation Officer. In the facts and circumstances of the present case custodial interrogation is not required.

8. Hence, the present Application is allowed and the Applicants are secured by pre-arrest bail, subject to the following conditions:-

(a) In the event of arrest in Crime No.195 of 2025 registered with Sinhgad Road Police Station, Pune, the Applicants shall be released on bail, upon each of the Applicant furnishing P.R. Bond in the sum of Rs. 50,000/- with one surety in the like

amount to the satisfaction of the Judicial Magistrate First Class, Pune.

(b) Applicants shall furnish their residential address and mobile number to the Investigation Officer, Sinhgad Road Police Station, Pune.

(c) Applicants shall appear before the Investigation Officer on every Monday of the week from 10.00 a.m. to 1.00 p.m. and if required, on any other day as fixed by the Investigation Officer, Sinhgad Road Police Station, Pune. Applicants shall start reporting to the Investigation Officer from 02.06.2025.

(d) Applicants shall not influence or threaten any witnesses and tamper with the evidence.

(e) Applicants shall cooperate with the conduct of the trial, upon charge-sheet being filed.

9. This **Application is allowed** in the above said terms.

[ASHWIN D. BHOBE, J.]