



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

CRIMINAL APPLICATION (ABA) NO. 24 OF 2025

Gaurav Vijay Mundhada 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. J.B. Kasat, counsel for applicant.

Mr. Anant Ghonge, APP for non-applicant/State.

Mr. P. Mirza, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/06/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.219/2024 registered with Police Station, Rajapeth Tq. And District Amravati for the offence punishable under Sections 406, 420, 465, 468 and 471 of the Indian Penal Code, 1860, the applicant approached this Court of grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by mother of the present applicant, who has filed an application before the Magistrate under Section 156(3), and by the order of the Magistrate, the crime is registered. It is alleged that the applicant was assisting her husband and was managing all the business and bank transactions. The applicant, by forging her signature, withdraw a huge amount from her account and also used cheques of the aforesaid firms without her permission and consent. The transaction made by the applicant cannot be found to her,

and he has obtained the money and siphoned the same. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that it is a civil dispute between son and mother, only to extract the money, this criminal complaint is filed. As far as the custodial interrogation is concerned, which is not required, as the entire transaction revolves around the bank statement, which are already seized by the investigating agency. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application and submitted that, from the bank statements, it reveals that, by misusing the cheques and by forging the signature of the informant, the applicant has withdrawn the amount therefore, his custodial interrogation is required.

5. Learned counsel for the complainant endorsed the same contentions, and additionally, he submitted that the bank statements clearly show that it is the applicant who has withdrawn the amount by forging the signature of the informant, and he has siphoned the said amount. The house is also mortgaged, and therefore, the informant is on the road. Considering all these aspects, his custodial interrogation is required, and therefore, the application deserves to be rejected.

6. On hearing both sides and on perusal of the investigation papers, it reveals that husband of the informant was running a business, and the present applicant was assisting his father in the said business. Thereafter, the father of the present applicant died, and he was dealing with all the transactions. The bank statement shows that some amounts were withdrawn by him. Whether the amounts are withdrawn with the help of forged signature or not is a matter of investigation. At this stage, the investigating officer has already collected the relevant documents, as far as his specimen signature of the applicant is concerned, which can be taken care of by imposing certain conditions on the present applicant. Thus, in view of the above circumstances, the application deserves to be allowed by confirming the ad-interim protection granted to the present applicant. In view of that, I proceed to pass the following order.

- a] Criminal application is allowed.
- b] The ad-interim protection granted by order dated 10/01/2025 is hereby confirmed, subject to the condition that the applicant shall attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.

- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- d] The applicant shall not leave the jurisdiction of Amravati District without prior permission of the District Court, Amravati, till filing of the charge-sheet.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]