



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

CRIMINAL APPLICATION (ABA) NO.122 OF 2025

(Sopan s/o Maroti Kurwade 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. A.R. Deshpande, Advocate for the applicant.

Ms Swati Kolhe, APP for the State.

Mr. A.S. Mardikar, Sr. Advocate a/b Mr. D. Singh, Advocate for Assist to Prosecution.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 8, 2025.

Apprehending the arrest at the hands of police in connection with Crime No. 18/2025 registered with Police Station Barshitakli, Akola, for the offence punishable under Sections 420, 468 read with Section 34 of the Indian Penal Code, 1860, the applicant approached to this Court for grant of anticipatory bail.

2. Learned Counsel for the applicant submitted that there was an agreement between the informant and the present applicant as regards to the sale of his property. Subsequently, the informant has not performed his part of contract and therefore, the present applicant has filed a suit for specific performance, which is pending before the concerned Court. According to him, to give colour of criminal offence to the said transaction, the present FIR is lodged. He submitted that as far as the custodial interrogation is concerned, entire investigation would revolve around the documentary evidence. The said documents are already seized by the investigating agency

and therefore, the physical custody of the present applicant is not required. In view of that, applicant be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application on the ground that the a forged affidavit is filed in the name of the informant before the Bank for obtaining the loan, and therefore, the custodial interrogation of the applicant is required. In view of that, the application deserves to be rejected.

4. Mr. Mardikar, learned Senior Counsel for the original complainant also strongly opposed the application and invited my attention towards the forged documents and submitted that bare looking of the documents reveals that the documents are forged one, the stamp is of the year 2020. The names mentioned on the overleaf are also incorrect and the extract of the register wherein the signature of the informant was shown, is not the signature of the informant. He also submitted that the forceful possession of the property was obtained and therefore, proceeding under Section 145 was initiated and the Sub Divisional Officer has passed an order and handed over the possession to the informant. Thus, considering the nature of the evidence collected, it reveals that the present applicant has prepared the forged document and with the help of the forged document obtained the loan. Therefore, the offence under Section 471 is also made out. Thus, considering the gravity of the offence, his custodial

interrogation is required. Therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the recitals of the FIR and other documents filed on record it reveals that there is no dispute as to the fact that the present applicant and the informant entered into an agreement to sell the property. Thereafter, the present applicant has allegedly represented that the complainant is present before the Tahsildar for swearing an affidavit by keeping another person present and by the said activity he has obtained the said documents, which is forged one and with the help of the forged document he has obtained the loan. The affidavit before the Court which apparently shows that the stamp is of the year 2020. The names mentioned in the overleaf are also incorrectly mentioned. There is doubt about the signature of the informant also on the register. It further reveals from the documents filed on record that proceeding under Section 145 was initiated and possession was again handed over to the complainant. Admittedly, the entire investigation revolves around the document. As far as the interrogation part is concerned, which can be taken care of by imposing certain conditions on the present applicant. At this stage, considering the nature of the allegations levelled against the applicant, there is a dispute arose between the parties. The investigation is in progress. However, custodial interrogation of present applicant is not required. In view of that, the application deserves to

be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

(i) The application is hereby allowed.

(ii) In the event of arrest, the applicant – Sopan s/o Maroti Kurwade in connection with Crime No.018/2025 registered with Police Station Barshitakli, Dist. Akola for the offences punishable under Sections 420, 468 read with Section 34 of the Indian Penal Code be released on anticipatory bail on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station twice in a week i.e. on Monday and Thursday between 10.00 a.m. to 4.00 p.m. and shall co-operate with the Investigating Agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(v) The applicant shall not leave the limits of Akola district without prior permission of the District Court, Akola.

(vi) The applicant shall remain present to provide his specimen signature for the investigation purpose.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*