



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

CRIMINAL APPLICATION (ABA) NO.130 OF 2025

(Vijay s/o Kashiram Chopde 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. H.R. Gadhia, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MARCH 24, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.17/2025 registered with Police Station Pimpalgaon Raja, Tahsil Khamgaon, District Buldhana for the offences punishable under Sections 3(5), 318(4), 336(1), 336(2), 336(3), 338, 340(1), 340(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the crime is registered on an allegation that he has submitted the forged income certificate to avail the facility under the Sanjay Gandhi Niradhar Yojana. He further submitted that the applicant is illiterate and studied upto 3rd standard. He was not aware about the procedure, how that income certificate is to be obtained. He approached to the Tulsi Photo Studio on the say of the officials of the said office and said Tulsi Photo Studio owner has provided him the said certificate. In fact, the present applicant who is the whistle-blower on whose behalf the complaint was made and thereafter the raid was conducted. Thus, as far

as the knowledge of the present applicant as to the forged certificate is concerned was not there. Moreover, he has cooperated with the investigating agency. In view of that, the interim protection granted to him deserves to be confirmed.

3. Learned APP strongly opposed the application and submitted that during investigation it revealed that present applicant is the person who was fully aware that the certificate is forged one and then also he has used the same. It also revealed during the investigation that the complainant has received the money from the present applicant. The statement of the complainant shows that it was the present applicant who involved in a preparation of the fabricated certificate, and therefore, his involvement revealed from the investigation papers. In view of that, the prayer for grant of anticipatory bail deserves to be rejected.

4. I have heard learned Counsel for both the parties. On perusal of the recitals of the FIR and the investigation papers the involvement of the present applicant admittedly revealed. However, considering that now he has cooperated with the investigating agency and attended the police station, his custodial interrogation is not required. In view of that, the ad-interim protection granted to him deserves to be confirmed. Accordingly, I proceed to pass following order:

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant –

Vijay s/o Kashiram Chopde in connection with Crime No.17/2025 registered with Police Station Pimpalgaon Raja, Tahsil Khamgaon, District Buldhana for the offences punishable under Sections 3(5), 318(4), 336(1), 336(2), 336(3), 338, 340(1), 340(2) of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail, on executing P.R. 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 once in a week i.e. on every Monday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall cooperate 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) Any further offence of similar nature if registered against the present applicant would lead to cancel his bail.

5. The contravention of any of the condition would lead to cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)