



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

CRIMINAL APPLICATION (ABA) NO.142/2025

Ganesh s/o Marutirao Waghmare

Vs.

The State of Maharashtra through Police Inspector of Chikhli Police Station, Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Aditya Pande, Advocate h/f Shri A.L. Kanade, Advocate for applicant
Shri A.A. Madiwale, APP for respondent/State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03.07.2025

Apprehending the arrest at the hands of police in connection with Crime No.857/2022 registered with Police Station Chikhali, District Buldhana for the offences punishable under Sections 420, 468 and 471 of the IPC, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant who submitted that the crime is registered on the basis of report lodged by Rajesh Jankiram Wahurwagh, who alleged that the applicant executed agreement in favour of the informant by which the informant to implement the scheme of doing survey by visiting the houses in the society. In exchange, the applicant agreed to pay Rs.22/- per house to the informant. The informant was to do the survey of 13 Districts including all the Districts of Vidarbha Region. The applicant though agreed to pay the amount but he has not paid the amount and thus, the informant has to recover the amount of Rs.60,79,480/-, which is not

paid. On the basis of the said report, police have registered the crime against the present applicant. He further submitted that though allegation is levelled as present applicant has forged two letters by forging the signature of the government officers, but the said letters have seized from the informant himself. Thus, the forged letters were found in possession of the informant. Thus, the custodial interrogation of the present applicant is not required.

3. Learned APP strongly opposed the said application and submitted that during investigation the investigating officer found that on the basis of the forged letters, the agreement was executed by the present applicant and the informant, therefore, his custodial interrogation is required and prays for rejection of application.

4. On hearing both the sides and on perusal of the investigating papers, it reveals that it was agreed between the applicant and the informant, in view of the scheme floated by the Government and applicant allegedly agreed to pay the informant Rs.22/- per house. Thus, from the allegation, it reveals that the allegation is of a civil nature. Moreover, the allegation of forgery of the documents is consent, admittedly the said letters are seized from the possession of the informant. The incriminating letters, on the basis of which the entire investigation is to be carried out, are already seized by the investigating agency. Therefore, the custodial interrogation of the present applicant is not required. He has also co-operated with the

investigating agency by attending the police station. In view of that the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
 - (ii) The interim protection granted to the present applicant- Ganesh s/o Marutirao Waghmare, in connection with Crime No.857/2022 registered with Police Station Chikhali, District Buldhana on 20.10.2022, for the offences punishable under Sections 420, 468 and 471 of the IPC, is confirmed on the condition that 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 supplementary charge-sheet and shall co-operate with the investigating agency.
 - (iii) 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.
5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

R.S. Sahare