



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

CRIMINAL APPLICATION (ABA) NO.420 OF 2025

(Abdul Nasir Abdul Najir 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. P.S. Gawai, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 9, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.375/2024 registered with Police Station Pinjar, District Akola for the offence punishable under Sections 409, 420, 467, 468 and 471 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. As per the allegation, the father of the informant has received the said property from Government, after retirement from the service of Army. On the basis of false and fabricated documents, the present applicant and other co-accused got permission for the sale of the property and thereafter by impersonating the original owner, the property was sold and thereby informant was duped. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that the reply filed by the State before the trial Court itself shows that the allegation of impersonating the original owner and preparing the forged document is against one Hafiz Khan. As far as the present applicant is concerned, there is no allegation that he has impersonated the original owner and prepared the forged document. Thus, considering the role attributed to the present applicant and considering the fact that after knowledge, the informant has lodged the FIR after one year of the incident. Hence, the present applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application and submitted that, considering the manner in which the alleged incident took place that the informant was duped by impersonating him and by disposing of his property. She fairly submitted that as far as the statement of the present applicant is concerned which shows that he has shown his readiness to return the said property. In view of that, the appropriate order shall be passed.

5. On hearing both sides and on perusal of the recitals of the FIR as well as the reply filed by the State it reveals that the allegation of impersonation and preparing the forged documents is against the co-accused. The statement of the present applicant is also recorded during investigation and he has shown his willingness to return

the property. As he was also not aware that the other co-accused is not the owner of the property. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

(i) The application is allowed.

(ii) In the event of the arrest, the applicant – Abdul Nasir Abdul Najir in connection with Crime No.375/2024 registered with Police Station Pinjar, District Akola for the offence punishable under Sections 409, 420, 467, 468 and 471 of the Indian Penal Code, 1860, 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 once in a week i.e. on every Monday between 10.00 AM and 1.00 PM 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) The applicant shall furnish his detailed address along with the address proof before the investigating agency.

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

7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*