



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

CRIMINAL APPLICATION (ABA) NO. 524 OF 2025

Shailendra s/o Haribhau Sasankar Vs State of Maharashtra

WITH

CRIMINAL APPLICATION (ABA) NO. 527 OF 2025

Prakash s/o Damodar Kathoke 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. Lubesh Meshram, counsel for applicant (ABA-527/2025)

Mr. N.R.Tekade, counsel for applicant (ABA-524/2025)

Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 31/07/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.26/2025 registered at Police Station Beltarodi, Nagpur City for the offence punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicants, who submitted that the crime is registered on an allegation that the property of the complainant was sold by the present applicants and the other co-accused by impersonating his father. On the basis of the said report, police have registered the crime against the present

applicant. He submitted that, as far as the present applicant is concerned, he merely stood as a witness to the power of attorney. As far as the applicant, Shailendra Sasankar is concerned, there is no other role attributed to him,. In view of that, custodial interrogation is not required.

3. The learned counsel for the applicant - Prakash Kathoke, submitted that the general power of attorney holder, Smt. Rekha Kalmegh, had executed the sale deed. The general power of attorney was executed in her favour by her son, and the applicant - Prakash Kathoke, merely signed the said power of attorney. Except that, no other role is attributed to him.

He further submitted that the other allegation is that he stood as a witness to the said sale deed and identified the dummy persons. Therefore, custodial interrogation of both applicants are not required.

4. Learned APP strongly opposed the same and submitted that, as far as Shailendra Sasankar is concerned, he was a member of Uttkarsha Cooperative Gruha Nirman Sanshta, therefore he is aware, who is the original owner of the said property. Despite signing the document, he is not cooperating with the investigating agency, and thus his application deserves to be rejected. However, she fairly submitted that both applicants have attended the concerned police station and cooperating with the investigation agency.

5. On hearing both sides and on perusal of the recitals of the FIR and the documents filed along with the application, it reveals that both the applicants stood as witnesses; one is of power of attorney, and one is of the sale deed. As far as the other allegations in the FIRs are concerned, which is a matter of investigation. At this stage, considering that they have already attended the concerned police station, and also they are expected to cooperate with the investigating agency. In view of that, ad-interim protection granted to the applicants deserves to be confirmed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal applications are **allowed**.
- b] The ad-interim protection granted to the applicant in *Criminal Application (ABA) No. 524/2025 – Shailendra s/o Haribhau Sasankar by order dated 16/07/2025*, and applicant in *Criminal Application (ABA) No. 527/2025 – Prakash s/o Damodar Kathoke by order dated 17/07/2025*, are hereby confirmed.
- c] The applicants 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.

- d] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- e] The applicants shall not leave the jurisdiction of Nagpur district without prior permission of the District court, Nagpur.
- f] The applicants shall make themselves available for obtaining their specimen handwriting before the investigating officer.
- g] The single registration of the offence of the similar nature would lead to the cancellation of bail.

Both the applications are **disposed of**.

[URMILA JOSHI-PHALKE, J.]