



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

CRIMINAL APPLICATION (ABA) NO.737 OF 2025

Yousuf Khan s/o Mohammad Mahboob

Vs.

State of Maharashtra

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

Court's or Judge's orders.

Shri F.S. Chowdhari, Advocate for applicant.

Shri C.A. Lokhande, AGP / APP for respondent/State.

CORAM : RAJNISH R. VYAS, J.

DATE : 22.04.2026.

1. Apprehending arrest in connection with Crime No.973/2024 registered with Police Station, Gittikhadan, Nagpur for the offences punishable under Sections 342(2), 340(1), 339, 338 and 336(3) of the Bharatiya Nyaya Sanhita, 2023, the applicant has approached this Court.

2. The applicant who was not named as accused in the First Information Report. The name of the applicant has surfaced during the course of the investigation and he was shown as accused no.11 in the crime. Only two named accused were mentioned in the First Information Report; whereas, the others were shown as unknown. One Irfan Ayub Khan was shown as accused no.6. The investigation paper shows that till the filing of reply dated 20.9.2025 total 34 accused were impleaded in the crime.

3. The informant is one police constables one Ajay Shukla attached to the Crime Detection Branch, Gittikhadan, Nagpur. According to the First Information Report, a secret information was received that the stolen trucks from the other States were registered in the Regional Transport Office, Nagpur more particularly, Nagpur Rural RTO and were parked in Parking Plaza of Nagpur Improvement Trust. The members of Crime Squad then visited the Parking Plaza and found parked. Necessary enquiry was conducted during which it was found that the trucks in question were not even of the company which had manufactured it, the chasis number and the registration number were forged and though it was shown that it was initially registered with Manipur, it was re-registered at Nagpur. In this background, the criminal law was set in motion.

4. The counsel for the applicant has argued that the applicant is not at all involved in the crime and he is just employee of the original accused no.6. According to him, the say filed by the investigating agency before the Sessions Court is misleading as, on the one hand, it is stated that it was the present applicant, who has forged the documents and on the other, the blame was shifted on the accused no.7 – Rizwan. He contended that since the other accused are released on regular bail and the accused no.2 is extended benefit of the anticipatory bail, he may be given benefit of Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, “BNSS”).

5. Per contra, the learned APP has stated that the crime was committed in a systematic manner. Though the vehicles were not manufactured by the particular company, the chassis number and engine number were changed and by preparing forged documents, the vehicles were re-registered at Nagpur RTO. He submitted that the material on report shows that the amount of ₹1 lakh was credited in the account of the present applicant on 05.02.2020. He submitted that investigation is at preliminary stage and in order to unearth the same, the applicant's custody is required.

6. With the assistance of the respective counsels, I have gone through the record of the case. It is not in dispute that the applicant was not named in the First Information Report. It is during course of the investigation that the applicant was impleaded as an accused. The stand taken by the prosecution is very clear that all the forged documents were prepared by the applicant and the vehicles were got re-registered in Nagpur Regional Transport Office. The contention of the learned counsel for the applicant that he is just an employee of the accused no.6 and therefore, he cannot be impleaded as an accused, is without any basis since the investigation is at the preliminary stage. The role of the applicant will have to be looked into during the course of the investigation. The prosecution has come with a specific case that the applicant has forged the documents.

7. As far as the contention of the applicant that accused no.2 - Gurbinder Kaur is released on anticipatory bail by the Sessions Court is concerned, it is pertinent to mention here that the learned Sessions Court has observed that the said applicant's custody was sought by the prosecution for interrogation purpose only. In the present case, the prosecution has specifically come with a case that the custody of the present applicant is required for knowing the *modus operandi* of commission of offence and as to in which manner the documents were forged. The prosecution by filing its reply on affidavit dated 13.01.2026 has specifically stated that the accused had sold five trucks by registration documents. Even the address given by the present applicant is stated to be incorrect and false as, according to the prosecution, he is not residing at the said address.

8. Considering the aforesaid fact, I am not inclined to extend the benefit of Section 482 of the BNSS. Needless to mention that while granting anticipatory bail in-depth enquiry is not required to be conducted. What is required to be seen is whether prima facie case is made out or not. Accordingly, the application is rejected.

(Rajnish R. Vyas, J.)

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