

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,**  
**AT – NASHIK.**

**(Presided over by Mr. M. H. Shaikh)**

**Criminal Bail Application No.307 of 2022**

**CNR No.MHNS010009772022**



Ashpak Ibrahim Shaikh  
Age : 61, Occ.: Advocate,  
R/o Malang Society, Jail-Road,  
Nashik-Road, Nashik. ... Applicant/Accused.

**V/S**

State of Maharashtra  
Through – P.I. Deolali Camp Police  
Station (C.R. No.I-19/2022) ... Respondent/State.

**Appearance** : Ld. Adv. Shri. I. Y. Patel for Applicant/Accused.  
Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent/State.

**ORDER BELOW EXH. No.1**  
**(Delivered on 08<sup>th</sup> March, 2022)**

1. Read the application and the say filed by respondent vide Exh.6. Heard Ld. Advocate for applicant and Ld. A.P.P. for State.
2. This is an application for pre-arrest bail in Crime C. R. No. I-19 of 2022 registered with the Deolali Camp Police Station under Sections 420, 406, 465, 467, 468, 474 and 120-B R/W 34 of the Indian Penal Code for an allegations that accused Nos.1 to 3 prepared a false affidavit and a false consent letter and notarized it with the applicant. The said affidavit and notarized consent letter was lodged before the Talathi to get the property of the complainant in the name of accused No.2.

3. It is the case of the applicant that, he is an Advocate and Notary practicing in District and Sessions Court, Nashik since 30 years. He has only registered the consent letter. He did not get any benefit from the said transaction. Nothing is to be recovered or discovered at the instance of the applicant. Applicant is ready to abide by the terms and conditions, if released on bail. Therefore, prayed to allow the application.

4. Respondent objected by saying that the offences alleged are serious in nature. Applicant helped to prepare false document. The document is to be recovered. Therefore, prayed to reject the application.

5. Upon hearing and going through the material placed on record, what can be gathered is that applicant did only Notary work and therefore there is a protection in view of the the notarial act. The act done by the applicant was only notarizing of the consent letter and did not get any benefit out of it, except his Notary fees. Therefore, nothing is to be recovered and discovered at his instance, because both the documents are with accused Nos.1 to 3 and not with the applicant. Therefore, by imposing certain conditions, the application can be allowed. Hence, the order.

### **ORDER**

1. Criminal Bail Application No.307 of 2022 is allowed.
2. In the event of arrest, Applicant Ashpak Ibrahim Shaikh be released on interim bail on his executing a personal bond of Rs.15,000/- each with solvent surety in like amount to satisfaction of the I.O.
3. Applicant Ashpak Ibrahim Shaikh not to commit similar offence.

4. Applicant Ashpak Ibrahim Shaikh appeared before the I.O. on 14.02.2022 and 17.02.2022 between 11.00 a.m. to 01.00 p.m. and co-operate the I.O., so also give the extract of the notarial register, if asked for.
5. In the above terms, Criminal Bail Application No.307 of 2022 stands disposed off accordingly.

Place : Nashik.  
Date : 08/03/2022

**(M. H. Shaikh)**  
Additional Sessions Judge, Nashik.