

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 1994/2015.

HILAL RAMDAS PATIL & ORS.
VERSUS
THE STATE OF MAHARASHTRA

Appearance =>

Mr. R.K. Jadhavar, Advocate for the Applicants.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 30th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of regular bail, in connection with CR No. 8/2015 registered with Police Station, Pimpalgaon (Hareshwar), District - Jalgaon for the offences punishable under Section.s. 406, 408, 409, 465, 467, 468, 471, 474, 477, 420, 120(B) of the Indian Penal Code.

[2] Heard Mr.R.K.Jadhavar, learned counsel for the Applicants and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[3] The Applicants on their own surrendered before the Investigating Officer on 16th March, 2015 and 17th March, 2015. Said

fact is not disputed by the Investigating Officer in his affidavit-in-reply dated 29th April, 2015.

[4] Applicant No.1 was the Member of Managing Committee of “Samaj Vikas Mandal Shikshan Sanstha” having registered under the Bombay Public Trust Act vide Registration No.E-209. Said Trust is also running residential School. According to the First Information Report, lodged by Abhay Patil, bogus students were shown and accordingly bogus record of those students were prepared by the Managing Committee of the said Trust from the year 2006 till the date of filing First Information Report.

[5] Applicant No.1 is the member of said Managing Committee of the said Trust since 2006 till today; where-as Applicant Nos. 2 and 3 are the Members of Managing Committee for 2013 to 2016.

[6] In the first information report though there are certain allegations against Applicant No.1 that he has deposited certain amount and according to the allegations made, said amount on earlier occasion was withdrawn by him.

[7] After the surrender of the Applicants, they were produced before the learned Magistrate. The Applicants were sent to the Police Custody Remand and their P.C.R. was expired on 19th March, 2015. During their custodial presence, they were interrogated thoroughly by the Investigating Officer. However, nothing is revealed in the reply affidavit filed on behalf of the Investigating Officer that they made

any discovery statement leading to recovery of any document at their behest.

[8] After the expiry of the P.C.R. on 19th March, 2015, present Applicants were sent to Magisterial Custody Remand. Still the Investigating Officer in the affidavit reply has stated that custodial interrogation of the Applicants is necessary. Such assertion on the part of the Investigating Officer is highly misplaced.

[9] Looking to the fact that the Applicants were thoroughly interrogated when they were in P.C.R. of the Investigating Officer and nothing can be seized from them. If the reply of the Investigating Officer is read in its true perspective then it is clear that, since there is no assertion that the investigation is in progress vis-a-vis present Applicants are concerned, it is clear that investigation in so far as present Applicants are concerned, is over,.

[10] Offences being completely based on documents and when the investigation in so far as present Applicants vis-a-vis document is over, their custodial presence is not warranted that leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant No.1 – Hilal Ramdas Patil, Applicant No.2 – Vikas Keshav Patil and Applicant No.3 – Pandhari Ramrao Chaudhari shall be released on regular bail on

they executing PR. Bond of Rs. 50,000/- [Rs. Fifty Thousand.] each with one solvent surety in the like amount, in connection with CR No. 8/2015 registered with Police Station, Pimpalgaon (Hareshwar), District - Jalgaon for the offences punishable under Section.s. 406, 408, 409, 465, 467, 468, 471, 474, 477, 420, 120(B) of the Indian Penal Code. Bail before trial court.

(iii) The Applicants shall attend the Police Station, Pimpalgaon (Hareshwar), District-Jalgaon, twice in a week, preferably on every Sunday and Tuesday and shall remain present in the Police Station between 3.00 p.m. to 4.00 p.m.

(iv) The Applicants shall not interfere with the investigation.

(v) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)