

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1190 OF 2015

Dilip Ashok Kamble .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.S.S.Tambekar, Advocate, for the Applicant

Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.08.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.No.
107 of 2015 registered with the Laxmipuri Police
Station, Kolhapur, for the alleged offences
punishable under Sections 420, 467, 471, 511
r/w.34 of the Indian Penal Code, 1870.

3. Satish Nare, a police officer has lodged the F.I.R.. According to the complainant, the present applicant, a 'Gram Sevak' issued a death Certificate by giving a false date of death of Suraj Babuji Machale. It is alleged that though Suraj Machale had expired on 01.12.2001, the death Certificate discloses the death of Suraj Machale on 05.03.2015.

4. Learned counsel for the applicant submits that the applicant had no knowledge that Suraj Machale had expired in 2001. He submits that the applicant issued the death Certificate on the basis of the Certificate issued by Dr. Varsha Barage, that Suraj had died due to cardiorespiratory failure. He submitted that the applicant has not received any monetary benefit and that he has been falsely roped in.

5. According to the learned APP, all the accused in collusion with each other including the officers of the Insurance Company have tried to grab monetary benefit on the basis of the false insurance policy submitted by the relatives of Suraj Machale. The documents are in possession of the investigating officer. Some of the co-accused have been enlarged on anticipatory and regular bail. Learned APP states that the custody of the applicant is required for obtaining his hand writing.

6. Learned counsel for the applicant states that the applicant will attend the concerned police station and will give his hand writing to the investigating officer. The statement is accepted.

7. Perused the papers. It appears that Dr.Varsha Barage who examined Suraj Machale and

declared him dead has been granted anticipatory bail, observing that prima facie there was no material to show that she was aware that the person she examined was Suraj Machale. It appears that Dr. Varsha Barage had issued the death Certificate of Suraj Machale that he died on 05.03.2015. The documents are in the custody of the police.

8. Considering the nature of allegations and the fact that the documents are already in the custody of the investigating officer, custodial interrogation of the applicant is not required. The applicant is thus entitled to be granted pre-arrest bail on the following terms and conditions:

ORDER

(i) In the event of arrest, the applicant be enlarged on bail on his furnishing P.R.Bond in the sum of Rs.25,000/- with one or two

solvent sureties in the like amount;

(ii) The applicant shall attend the Laxmipuri Police Station, Kolhapur on every Saturday from 10.00 a.m. to 12.00 noon till the filing of the charge sheet;

(iii) The applicant shall attend the Laxmipuri Police Station, Kolhapur on 04.09.2015 at 10.00 a.m. to give his hand writing to the investigating officer;

(iv) The applicant shall not tamper or attempt to contact the complainant or any witness concerned with the said case;

(v) The applicant shall co-operate with the Investigating Agency.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear, that the observations made herein are confined to this application and

the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)