

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.125 OF 2015

Madhav Dagduji Palladwar

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Sathyanarayanan for the Applicant

Mr.D.P. Adsule, APP, for Respondent – State

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: MARCH 25, 2014

P.C.:

1. This is an application for pre-arrest bail by the applicant/accused, who is facing charges under sections 420, 465, 468, 471 r/w 34 of the Indian Penal Code as the offence is registered at C.R. No.69 of 2014 of Pen police station, Raigad. One Suresh Pundalik Vartak, who is a retired police officer, has given information to the police that he was assured of jobs in Mantralaya in Public Works Department for his two sons and the daughter in law. The complainant believed in the representation as, at the relevant time, the applicant/accused was working in Mantralaya as a Deputy Secretary in the Information and Public Relations Department. The co-accused Prakash Pathak was also working in Mantralaya. Believing the representations of these two accused, the informant paid nearly Rs.4,80,500/- towards as bribe money to get the jobs in

Mantralaya. The incident of bribe payment took place during the period from June, 2007 to May 2014. Thereafter, as the informant realised that he has been deceived by the applicant/accused and the co-accused, he lodged complaint against them.

2. The learned Counsel for the applicant/accused submitted that in the FIR or in the statements of other witnesses, there is no evidence to show that the applicant/accused has dealt with the informant and demanded or accepted money directly from him. He submits that the other three co-accused were involved in the offence. He further submitted that the applicant/accused retired in 2011 and, therefore, he is not concerned with the incidents which are mentioned after 2011. He further argued that the applicant/accused is a heart patient and is suffering from heart ailment. A pacemaker is placed on his heart. The learned Counsel has, therefore, prayed for bail.

3. Learned Prosecutor has opposed the application. He submits that during the investigation, the police came across other witnesses, who were also deceived by the applicant/accused. The applicant is the main culprit in this case of cheating. He has deceived the complainant and the other witnesses to the tune of Rs.36,41,500/- and has abused his position.

4. The facts of the matter are very disturbing as the informant is a retired police officer, who believed that his children would get jobs if at all he would pay bribe to the officers in Mantralaya. The applicant/accused was doing a respectable and responsible job as a Deputy Secretary in Mantralaya. On perusal of the FIR and the statements of the other witnesses, the submissions made by the learned Counsel for the applicant/accused cannot be accepted as, *ex facie*, there is ample evidence against the applicant on the point of cheating and other relevant sections. It is also to be noted that the police could not arrest the applicant/accused, though the FIR was registered on 18.5.2014 and he was never protected by any order – either of Sessions Court or this Court.

5. Under such circumstances, this is not a case where pre-arrest bail can be granted to the applicant/accused. However, after a perusal of the medical papers, which show that a pacemaker is fixed on him and he has been taking treatment for his heart ailment since 2002, only on the health ground, I am inclined to grant pre-arrest bail to the applicant/accused on the following conditions:

- i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one or two solvent sureties in the like amount;

- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not indulge into any kind of offence while on bail;
- iv) Since the chargesheet is not filed, according to the learned Prosecutor, as per the instructions received by him from Shri.M.S. Sarang, PSI, Pen Police station, who is present in the Court today, the applicant is directed to cooperate with the Investigating Officer and report to the concerned police station on every Monday, Wednesday and Friday from 10am to 12 noon, till 30.4.2015.

6. Anticipatory Bail Application is disposed of accordingly.

7. At this stage, it is pertinent to note that Shri V.K. Padale, API, Pen police station, Raigad, the Investigating Officer, is not present in the Court, to assist the Court. Although Shri.M.S. Sarang, PSI, Pen Police station, is present in the Court in place of Investigating Officer, the said Shri Sarang is not able to assist the Court. In view of this, the Superintendent of Police, District Raigad is directed to look into the matter.

(MRS.MRIDULA BHATKAR, J.)