

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.494 OF 2015

Ashok Waman Bhagwat ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.M.S. Karnik i/b Ms.Leena Patil for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

Mr.Manohar Patil, P.I., Wadivarhe police station, Nashik (R) - present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 8, 2015**

P.C.:

1. This is an application for pre-arrest bail. The applicant/accused is a Supply Inspector at Sinnar. The offence of forgery under sections 465, 468, 471 r/w 34 has taken place within the jurisdiction of Wadiwhare police station, District Nashik. There were charges also under sections 3 and 7 of the Essential Commodities Act. 560 bags of 50kg each containing rice was taken out in two trucks without permission and without any authority. It is the case of the prosecution that the applicant/accused and one godown keeper Dinesh Borade alongwith the other co-accused have committed this offence. The said rice was sent out for sale though it was the rice which was to be utilised for a specific purpose under Antyodaya scheme. In order to facilitate this taking away of the rice, the applicant/accused has manipulated the register, which is required to be

maintained respect of the stock and the movements of the goods i.e., rice. The entries in the said register were manipulated by the applicant/accused.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused is a public servant. He is not the main accused. Accused Nos.1 and 4 are the main culprits. He has submitted that this being a case of forgery, the said register and the entries are with the police and the applicant/accused is ready to cooperate.

3. The learned Prosecutor while opposing the application, submitted that the applicant/accused has manipulated the register to facilitate the crime. He was a Supply Inspector and he is accountable to the maintainance of the register and the stock of the rice in the said godown. The learned Prosecutor confirms that the entire rice i.e., nearly 534 bags are seized by the police.

4. Perused the FIR. In view of the submissions of the learned Counsel for the applicant/accused and the learned Prosecutor, I do not think it is a fit case for grant of pre-arrest bail. Hence, the Anticipatory Bail Application is rejected. The applicant/accused is directed to surrender before the learned Magistrate till 16th April, 2015.

(MRS.MRIDULA BHATKAR, J.)