

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 594 OF 2015

Mitesh Ganpatram Darji. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Mahendra M. Agavekar, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

Mr. Parshuram Mete, PSI, Sahar Police Station, Mumbai.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JULY 15, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 318 of 2014 registered with Sahar Police Station for

offence punishable under Section 465, 467, 468, 471, 420 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that the complainant is the drug inspector and is attached to the office of Drug Department at Mumbai. According to him, for the purpose of importing drugs, it is necessary to fill in form No. 10 which is in the nature of permission to import drug. It is alleged that on 11th March, 2014, when he was going through the papers of import-export of J.R. Corporation, he had noticed that the said company had imported drugs from Zejiyang Kaysine Pharmaceutical Company Ltd., China. The company had imported raw material from China for preparation of the said drug. It was noticed that mandate for submission of form 10 was not complied with. In the file, he had seen form 10 licence Number G/25/1693 dated 21/1/2014. He had immediately realised that this was a forged document. He had therefore wanted to verify the genuineness of the said document and had issued notice to the company. The present applicant had been to the office of the complainant as a

representative of the company and he was working as an accountant. He informed the complainant that they had did not have the licence in the prescribed form No. 10 and therefore, he alongwith his authorised agent one Shri Gandhi had fabricated the said document and got the goods cleared. The company had appointed Shri Gandhi as a clearing agent. Shri Gandhi has not yet been arrested. The complainant had therefore, filed the FIR. Alongwith the FIR, he has filed the two disputed form 10 and other documents.

4 The learned Counsel for the applicant submits that the applicant was only working as an accountant in the said company and he is not a beneficiary. It is admitted that the statement of the applicant was recorded in the office of the complainant. According to the learned Counsel, the said statement was not voluntary statement and therefore, it cannot be relied upon as the said information was elicited against his wish.

5 No doubt, the applicant had admitted before the authorities that he had fabricated form-10 with the help of clearing agent. This submission could be considered as an extra judicial confession as the same was recorded prior to registration of the offence. Moreover, there is ample evidence which would indicate that the company did not have licence for importing raw material and that the documents have been fabricated by the present applicant for the benefit of the company as well for some unknown gratification. The mandate of form-10 licence is to secure the trade business between two countries. There has been fabrication of documents and hence, the applicant does not deserve grant of pre-arrest bail as custodial interrogation would be imperative. Hence, the application, being sans merit, stands rejected. The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)