

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1298 OF 2015

Mohan Dattaram Desai & Anr. ..Applicants
v/s.

The State of Maharashtra. ..Respondent

Mr. C. K. Pendse i/b Mr. Bakul Bhosale for the applicants.
Mr. Sarang Kotwal alongwith Shailesh Chavan for
intervenor/complainant.
Mrs. Veera Shinde, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : NOVEMBER 26, 2015.

P.C.

. This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in C. R. No.77/2015 registered at Sawantwadi City Police Station, District Sindhudurg, for the offences punishable under Section 409, 468, 465, 471 r/w 34 of the IPC .

2. Heard Mr. Pendse, learned Counsel for the applicants, and the learned APP for the State.

3. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The records prima facie reveal that the

complainant who is a Joint Secretary of the Trust had lodged a complaint stating that applicants had appointed Lab Attendants in the year 2013 without authority and by forging the letterhead of the institution. The complainant had stated that the applicants had cheated the institution as well as government by making such appointments.

4. The records prima facie reveal that the posts applied by candidates were advertised on 6/7/2013. The candidates were interviewed and subsequently appointed in the month of July'2013. The posts were approved by the Joint Director and the said Lab Attendants were paid salary from August'2013. Prima facie, in my view there is considerable delay in lodging the complaint, which in itself would not justify custodial interrogation. The applicants are the residents of Sawantwadi and there is no possibility of the applicants absconding or thwarting the course of justice. Therefore, in my considered view, the applicants are entitled for bail.

5. Hence, the anticipatory bail application is granted on the following terms.

i) In the event of the arrest of the applicants in Crime No.77/2015 registered with Sawantwadi City Police Station, District Sindhudurg ,

the applicants be released on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand Only) each with one or two solvent sureties each in the like amount, to the satisfaction of the learned JMFC, Sindhudurg.

ii) The applicants shall report to the Investigating Officer, initially for a period of 5 days from 10 a.m. to 1 p.m., and thereafter as and when required by the Investigating Officer for the purpose of interrogation.

iii) The applicants shall not leave the Sindhudurg district till filing of the charge-sheet without prior permission of the JMFC, Sindhudurg.

(ANUJA PRABHUDESSAI, J.)