

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

ANTICIPATORY BAIL APPLICATION NO.1831 OF 2015

Pramod Ganpat Thale	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr Girish Kulkarni, Adv. i/b. Mrunmai Kulkarni, Adv. for applicant.
Mrs. G P Mulekar, APP for State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 7th December, 2015.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.166 of 2015 registered at Alibaug Police Station for the offences punishable under Sections 420, 409, 466, 468, 471, 473 and 120B read with 34 of the IPC.

2. Mr Kulkarni, the learned counsel for the applicant submitted that the allegations levelled against the applicant do not constitute the offences alleged. He has further submitted that the complaint itself shows that the applicant had deposited the demand drafts in the Government treasury and then the applicant had only filled the form as per the instructions of superior officers. He has further stated that there is no prima facie material to show that the seal has been forged or fabricated.

3. Mrs. Mulekar, the learned APP for State has submitted that the applicant herein had fabricated NA certificates and collected money from several applicants and misappropriated the same.

4. I have perused the records and considered the arguments advanced by the counsels for the respective parties. The records prima facie reveal that one Dr. Shailesh Ghalvadkar, the Administrative Officer of Zilla Parishad Health Department, Raigad had lodged a report stating that on 6th August, 2015 he was informed that NA certificate had been issued in respect of the property belonging to Rajendra Ladakchand Jain. On verification it was found that no such certificate was issued from the District Health Officer, Raigad. Further enquiries revealed that the said certificate was forged and fabricated. The complainant further states that the matter was enquired and the enquiry report reveals that the applicant herein and another employee of the district office had issued NA certificate without following the proper procedure. They had misused the position and issued forged certificate by using a counterfeit seal and making false entries in the outward register. The complainant further states that the applicant and the others have misappropriated the amount received from the said persons.

5. The statements of the witnesses also prima facie reveal that the applicant herein had approached them and assured that he was an employee of District Health Office and had told her that he could issue NA certificate. The statements of these witnesses further reveal that the applicant had collected money for issuing the said certificates.

6. The material on record thus prima facie shows that the applicant herein had issued false and fabricated NA certificates and misappropriated the money collected by issuing the said certificates. The learned APP has submitted that several other persons who have been issued false and fabricated certificates are coming forward. Granting anticipatory bail can therefore hamper the investigation.

7. In the light of above facts and circumstances the applicant is not entitled for bail. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)