

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1446 OF 2016

Sanjay S/o Shantaram Sankhe,
Age : 52 years, Occu.: Service,
R/o Du-108 Saishakti Co-op.
Police Station Road, Oripadametro,
Mumbai Suburban Mumbai .. Applicant

VERSUS

The State of Maharashtra
Through Police Station Kranti Chowk,
Aurangabad .. Respondent

AND

CRIMINAL APPLICATION NO. 1376 OF 2016

Chandrakant S/o Ashok Salunke
Age : 33 years, Occu.: Service,
R/o Galle Borgaon, Tq. Khultabad,
Dist. Aurangabad .. Applicant

VERSUS

The State of Maharashtra .. Respondent

Mr. S.J. Salunke, Advocate for the applicant (1446/2016)
Mr. V.R. Dhorde, Advocate for the applicant (1376/2016)
Mr. U.S. Mote, A.P.P. for respondent-State in both matters

CORAM : M.T. JOSHI, J.

DATE : 10/03/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are apprehending arrest at the hands of Kranti Chowk Police Station, Dist. Aurangabad in crime no. 140 of 2016 for the offences punishable under section 420, 465, 468, 120-B, 109, 201 r/w. 34 of the Indian Penal Code and under section 190 of the Motor Vehicles Act, are praying for their release on bail, in the event of their arrest.

3. The FIR filed by superior of the applicants with the Police Station would show that despite the directions by the High Court in the Public Interest Litigation and despite there being rules, the present applicant – Sanjay S/o Shantaram Sankhe in Criminal Application NO. 1446 of 2016, being the Motor Vehicle Inspector, though passed the fitness certificates as regards 699 vehicles during one month, he did not preserve any documents like form no. CFR-A, No Objection Certificate for not filing any case, permit, the tax receipts, P.U.C., green tax receipt and profession tax receipts. It was also alleged in the said FIR that the applicant has accepted his mistake.

In the circumstances, the FIR came to be filed.

4. Mr. S.J. Salunke, learned counsel for the applicant in Criminal Application No. 1446 of 2016 submits that in-fact, the applicant is dealt with departmentally for this negligence. He submits that it is merely the negligence and no criminality is involved in the same. He took me through the record, which would show that it is the duty of the clerk to maintain the record and in the circumstances, he submits that as no custodial interrogation of the applicant is required, anticipatory bail may be granted to him.

5. Learned A.P.P. opposed the application. He took me through the record, which would show that there are definite directions from the High Court in Public Interest Litigation in order to see that the road safety is maintained and there would be lesser number of accidents. Further, there are even directions from the superiors of the applicants, as to how exactly all the workings should be done. In the present case, merely the receipts are passed and no other documents are preserved to show that the vehicles

in question were fit. In the circumstances, he submits that since the present applicants have not only remained grossly negligent but did not take care of the road safety, this is not a fit case for releasing the applicants on anticipatory bail.

6. Upon hearing both sides, in my view, considering the fact that the applicant – Sanjay S/o Shantaram Sankhe in Criminal Application No. 1446 of 2016 has completely ignored all the norms of road safety, as are from time to time indicated not only by the rules but also by the High Court and the superiors of the present applicants, anticipatory bail cannot be granted to the applicant – Sanjay S/o Shantaram Sankhe in Criminal Application No. 1446 of 2016.

7. So far as the applicant – Chandrakant S/o Ashok Salunke in Criminal Application No. 1376 of 2016 is concerned, the applicant therein is the Junior Clerk. It is however the case of the prosecution itself that the Motor Vehicle Inspector i.e. applicant – Sanjay S/o Shantaram Sankhe in Criminal Application No. 1446 of 2016 has admitted his own fault. Further,

the FIR would not show that at any time, the documents were placed in his custody. In that view of the matter, the custodial interrogation of the applicant - Chandrakant S/o Ashok Salunke in Criminal Application No. 1376 of 2016 is not required. In the result, the following order:-

8. Criminal Application No. 1446 of 2016 is hereby dismissed.

9. Criminal Application No. 1376 of 2016 is hereby allowed.

10. In the event of the arrest of the applicant - Chandrakant S/o Ashok Salunke in Criminal Application No. 1376 of 2016, in crime no. 140 of 2016 registered at Kranti Chowk Police Station, Dist. Aurangabad for the offences punishable under section 420, 465, 468, 120-B, 109, 201 r/w. 34 of the Indian Penal Code and under section 190 of the Motor Vehicles Act, he be released on bail, upon his executing P.R. bond in the sum of Rs.10,000/- (Rs. Ten Thousand) and also upon furnishing surety in the like amount.

11. The applicant – Chandrakant S/o Ashok Salunke in Criminal Application No. 1376 of 2016 shall attend the Investigating Officer, as and when reasonably called for the purposes of investigation/interrogation for a period of two (2) months from the date of this order.

12. Both the applications stand disposed of accordingly.

[M.T. JOSHI]
JUDGE

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