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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 3702 OF 2016
WITH
CRIMINAL APPLICATION NO. 3703 OF 2016
WITH
CRIMINAL APPLICATION NO. 3704 OF 2016**

Shivaji Lobhaji Ghorpade,
Age: 54 years, Occu: Service,
R/o. B-2, Officers Quarters,
Old Bombay-Agra Road, S.T. Colony,
Thane(W)

..APPLICANT

VERSUS

The State of Maharashtra,
[Through Kranti Chowk Police Station Aurangabad) ..RESPONDENT

Mr Mahesh R. Sonawane, Advocate for applicant;
Mr V. M. Kagne, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 15th December, 2016

ORAL ORDER :

Since the applicant apprehends his arrest in three various offences that are based on identical facts, these applications are being decided by this common order. The crimes in question are (i) 1087 of 2015, (ii) 1089 of 2015 and 1090 of 2015, registered at Kranti Chowk Police Station, Aurangabad, for offences punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code.

2. It is submitted by the learned Counsel for the applicant that as per allegations in the first information report, certain appointments on

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compassionate basis came to be made at the Maharashtra State Road Transport Corporation, where the applicant was serving as a Labour Officer. It is submitted that the actual service of the applicant as Labour Officer and in-charge Divisional Personnel Officer at Aurangabad Division was for the period from 1st June, 2002 to 10th September, 2003 and thereafter from 7th September, 2007 to 13th October, 2007. He submitted that the allegation against the present applicant is that he had deputed the claimant seeking employment in C.R. No.1087 of 2015 for physical test and in other two crimes for medical examination. He, therefore, submitted that only on this count the applicant is sought to be prosecuted when, in fact, he has not issued any appointment order to those persons. It is further submitted that the entire case is based on documentary material and hence custodial interrogation is not warranted.

3. The application is opposed by learned Addl. Public Prosecutor by relying upon the police papers. It is submitted that on the basis of communication dated 3rd December, 2015, issued by the Divisional Controller, the offence came to be registered. Considering the nature of allegations the applicant is not entitled for protection.

4. I have perused the first information report and other documents placed on record. The communication dated 3rd December, 2015 in which present applicant has been named, has been subsequently corrected by communications dated 26th March, 2015 and 10th February, 2016. It appears that this consequential correction has not been taken into

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consideration by the Investigating Officer. As per said correction, the period of discharge of duty by the applicant has been clarified. Considering aforesaid facts and as the entire matter is based on documentary material, with further fact that the applicant is not the beneficiary of aforesaid recruitment, I am inclined to confirm the ad interim order granted earlier.

5. In view of aforesaid, following order is passed :-

In the event of applicant's arrest, with regard to C.R. Nos.1087 of 2015, 1089 of 2015 and 1090 of 2015, registered at Kranti Chowk Police Station, Aurangabad, for offences punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one surety in like amount.

He shall attend the concerned police station as per directions of the Investigating Officer. He shall not take any steps to tamper with the material collected by the prosecution.

6. Observations made in this order are only for deciding the present bail applications. Same are allowed and disposed of.

(A.S. CHANDURKAR, J.)

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