

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

ANTICIPATORY BAIL APPLICATION NO.28 OF 2016

Nitin Nandlal Achhapliya

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Kuldeep S. Patil for the Applicant.

Ms G.P. Mulekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 18th JANUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the Applicant herein in apprehension of his arrest in C.R. No.153 of 2015 registered with Alibag Police Station, Raigad, for offences punishable under sections 420, 468, 471, 476 and 120 B of the IPC.

2. Allegations against the Applicant in brief are that he had forged letterhead of Siddhi Enterprises, forged the signature of the complainant Naresh Thakkar and used counterfeit seal by using the name of non-existing Firm-Siddhi Enterprises and that he had submitted price list and quotation to Animal Husbandary Department, Zila Parishad, Raigad. It is alleged that by submitting such forged price

list, the Applicant obtained an order of supply of medicines and other instruments required by the department in favour of one Satyam Agency and thereby cheated the Government to the large extent.

3. Heard Mr. Kuldeep Patil, the learned counsel for the Applicant and Ms G.P. Mulekar, the learned APP for the Respondent -State.

4. The records prima facie reveal that the Animal Husbandry Department, Zila Parishad, Raigad, was in need of four types of medicines, two surgical items and that the District Veterinary Officer had sent letters to Siddhi Enterprises, Satyam Agency and Deep Medical and General Stores to submit price list of the said four types of medicines and two surgical items. The complainant Naresh Thakkar has alleged that the said Siddhi Enterprises was closed down in the year 2011 and that he had surrendered the license on 28.5.2012. The complainant had suspected that the name of his firm was misused and hence, he sought information under RTI. Vide letter dated 18.2.2015 he was informed that someone has forged the letterhead of Siddhi Enterprise and used counterfeit seal of Siddhi and forged his signature for submitting six quotations in respect of the medicines and two surgical items called for by the concerned Officer of Animal Husbandry

Department of Zilla Parishad, Raigad. The complainant had alleged that he had not submitted any price list or quotation and he suspected that the said quotations were issued so as to derive benefit to Satyam Agency. Based on the said FIR aforestated crime came to be registered against Dr. P. D. Bagul, District Veterinary Officer and others.

5. Mr. Kuldeep Patil, the learned counsel for the Applicant has submitted that the Applicant was only an employee of Satyam Agency and that he has not derived any benefit by submitting the said quotations.

6. The records prima facie reveal that quotations were called for by Dr. Bagul, from Siddhi Enterprises, which was closed down in the year 2011. Said Dr. Bagul, who is one of the main accused in the said crime, has been granted anticipatory bail. It is seen that the State has not challenged the said order. The Satyam Agency is a proprietary firm and admittedly the Applicant herein is not a proprietor of the same and hence is not a direct beneficiary. It is also pertinent to note that the letterheads were forged in the year 2012, the complainant had received the information for the same in February-2015 and the complaint was lodged in October-2015. Delay in lodging the complaint is also one of the factors, which would not justify custodial

interrogation. The Applicant is a permanent resident of Thane and has no criminal antecedents.

7. Considering the above facts and circumstances the Applicant is entitled for anticipatory bail. Hence, the application for anticipatory bail is allowed on the following terms and conditions:-

8. In the event of arrest of the Applicant in C.R. No.153 of 2015 registered with Alibag Police Station, Raigad, the Applicant shall be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the Investigating Officer.

9. The Applicant shall report to the Investigating Officer for four days from 10.00 a.m. to 1.00 p.m. from the date of receipt of this order and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

10. The Applicant shall not leave Raigad and Thane District till filing of the charge-sheet without prior permission of the Additional Sessions Judge, Raigad at Alibag.

(ANUJA PRABHUDESSAI, J.)