

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

ANTICIPATORY BAIL APPLICATION NO.160 OF 2016

Rajkumar Lalchand Shivnani ...Applicant
Versus

The State of Maharashtra ...Respondent

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Mr. Subhash Jha with Ms Rushita Jain i/b. M/s. Law Global
Advocates for the Applicant.
Ms G.P. Mulekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 28th JANUARY, 2016.

P. C. :

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

2. The allegations against the Applicant in brief are that he alongwith the other co-accused 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 submitted price list and quotation to Animal Husbandary Department, Zilla Parishad Raigad. It is alleged that by

submitting such forged price list, the Applicant alongwith the other co-accused had 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. Jha, the learned counsel for the Applicant and Ms Mulekar, the learned APP for the Respondent -State.

4. The records prima facie reveal that the Animal Husbandry Department, Zilla 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 Enterprises 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 aforesaid crime came to be registered against Dr. P. D. Bagul, District Veterinary Officer and others.

5. Mr. Jha, the learned counsel for the Applicant has submitted that the Applicant is not a proprietor of Satyam Agency and in fact, wife of the Applicant is the proprietor of the said proprietary concern. He submits that the Applicant is not involved in committing the said offence.

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. It is also pertinent to note that the letterheads were forged in the year 2012, the complainant had received the information of the same in February-2015 and the complaint was lodged in October-2015. Delay in lodging the complaint is 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:-

(i) 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.

(ii) 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.

(iii) 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.)