

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.457 OF 2016

Hukumchand Aba Patole ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Rahul S. Kate for the Applicant.
Mr. D.P. Adsule, APP for the Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th March, 2016.

P.C.:-

This is an application for anticipatory bail filed by the aforesaid Applicant apprehending his arrest in Crime No.166 of 2015 registered at Raigad Police Station, Alibag, for offences punishable under sections 420, 409, 466, 468, 471, 473 and 120 B of the IPC.

2. Mr. Rahul Kate, the learned counsel for the Applicant, submits that the Applicant who is District Health Officer had only signed the no objection certificate and that he is not involved in committing any offence. He has submitted that it was the responsibility of the concerned Clerk to see that the money was received. He has submitted that there is no prima facie material

to show that the Applicant had forged or fabricated the said no objection certificate or that he was involved in any manner in committing the said crime.

3. Mr. D.P. Adsule, the learned APP has submitted that the Applicant had issued the said certificate without following proper procedure and that the material on record prima facie indicates that he was involved in the said crime.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State.

5. At the outset it may be mentioned that the Applicant had earlier filed an application for bail being Anticipatory Bail Application No.1893 of 2015. By order dated 4.2.2016 the said application was dismissed as withdrawn.

6. Be that as it may, the records prima facie reveal that one Dr. Shailesh Pramod Ghalwadkar, Administrative Officer of Zilla Parishad, Health Department, Raigad at Alibag, had lodged the FIR stating that on 6.8.2015 he was informed that no objection certificate had been issued in respect of property belonging to Rajendra Ladakchand Jainara. On verification it was found that no such certificate was issued by him and further it was revealed that

the said certificate was forged and fabricated. The matter was enquired into and the enquiry report revealed that the Applicant herein and others had issued forged and fabricated certificates and received money from several persons and misappropriated the same.

7. It is not in dispute that the said no objection certificate was signed by the Applicant. The statements of witnesses prima facie reveals that the other co-accused had collected the money for issuing such certificates. The FIR also prima facie revealed that the Applicant had issued the certificate without following the proper procedure and without ensuring that the money was deposited with the concerned authorities. The FIR also reveals that the said certificates were issued after affixing forged seals and by giving fabricated outward numbers. The FIR reveals that 8 such forged and fabricated no objections certificates have been issued and Rs.1,26,000/- has been received from several persons and has been misappropriated. The material on record prima facie reveals the involvement of the Applicant in commission of the said crime. Considering the nature of the offence, this is not a case which would justify anticipatory bail. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI,J.)