

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.497 OF 2016

Sanjaykumar Motiprasad Gupta ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Ajaykumar Singh for the Applicant
Mr.S.H. Yadav, APP, for Respondent – State
Mr.Ganesh Dhumal, PSI, Wadala T.T. police station

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 21, 2016**

P.C.:

1. The application is moved for pre-arrest bail as the applicant-accused is facing charges under sections 420, 465, 466, 468, 471 r/w 34 of the Indian Penal Code. One Sanket Kumar Chauhan, Assistant Vehicle Investigating Officer, Mumbai gave information to the police at whose instance the offence was registered at C.R. No.2 of 2016 with the Wadala T.T. Police station on 2.1.2016.

2. It is the case of the prosecution that Government of Maharashtra has issued a circular to file online applications for auto rickshaw permit on lottery basis and accordingly, 5796 persons applied for auto permit during the period from 27.1.2014 to 15.2.2014 alongwith documents. On verification, around 40 school leaving certificates were found forged. The

applicant-accused is one of them as accused No.30. It is the case of the prosecution that on enquiry, it is found that his school authority at Azamgarh did not issue such certificate where the date of birth is wrongly shown as 20.7.1974 instead of 12.7.1978 in order to get the permit.

3. The learned Counsel for the Applicant submitted that the applicant is ready to cooperate with the police by producing all the documents especially the original documents.

4. The learned Prosecutor has opposed the application. He submitted that the original certificate is to be recovered.

5. Perused the FIR and also the documents. It appears that the document which is submitted by the applicant-accused is forged as a wrong birth date is mentioned. The offence is based on documents and his custody is not required. Hence, the Anticipatory Bail Application is allowed on the following terms and conditions:

- i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;

- iii) The applicant shall not indulge into any kind of offence while on bail;
 - iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on 23rd March, 2016, 28th March, 2016 and 29th March, 2016 between 5pm to 7pm.
 - v) In the event of breach of any of the above conditions, the Prosecution will be at liberty to move the Court for cancellation of the bail.
6. Anticipatory Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)