Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 519 OF 2016

Pankajsingh Vishnusingh Pardeshi ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Sachin Chandan, Advocate for the applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Sanjay D, Nikumbe, P.I., DC.B. C.I.D. Present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **22nd March, 2016.**

P.C.:

This Application is moved for pre-arrest bail, as the applicant/accused is facing charges under sections 419, 420, 465, 468, 471, 473, 120B r/w. 34 of the Indian Penal Code which was initially registered at C.R. No. 239 of 2015 with Gamdevi Police Station, Mumbai, and thereafter it was transferred to DCB CID Unit-3 registered at C.R. No. 109 of 2015 on 1st December, 2015. The offence is registered at the instance of Avinash Valavi, who is working as A.P.I. in DCB CID.

2. It is the case of the prosecution that during the period of 5 years, i.e., from 2010 to 2015, it was found that nearly 468 persons had obtained jobs on compassionate ground and after scrutiny, it is found that till today 46 persons have been employed illegal tendering forged documents to the Corporation showing that they are related to the deceased employee in the

Corporation though in fact they were not at all related to the deceased employees. After this fact was noticed, initially the offence was registered with Gamdevi Police Station and subsequently the investigation was transferred to DCB CID.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is in the employment of the Corporation. He is working as a clerk in "D" Ward. He is not concerned with the commission of the crime. His name is neither appearing in the FIR nor in the remand report. He submitted that the applicant/accused has not submitted any document to the Corporation of any persons who were appointed illegally and on false representation. He further pointed out remand report dated 7th December, 2015 wherein the description of the seized articles is mentioned. The learned counsel submitted that the police have already seized the articles which were used for preparing forged documents. The custodial interrogation of the applicant/accused is not necessary. He further submitted that whatever documents are required in the investigation of the offence, all those documents are in the custody of the Investigating officer.

4. Learned APP opposed the Application. He submitted that police requires custody of the applicant/accused as they require 13 more files of

the persons who were appointed illegally in the Corporation. Learned APP relied on the statement of various witnesses which discloses the role played by the applicant/accused.

5. Perused the FIR and the remand report. In the order dated 11th February, 2015 passed by the learned Additional Sessions Judge while rejecting the Anticipatory Bail Application of the applicant/accused, it is true that no specific role is attributed to the applicant/accused in the said application. However, after going through the statements of 6 witnesses, wherein they have stated that their some relatives are appointed in the Corporation on the basis of false representation that their father or mother were employed in the Corporation and thus, they could obtain appointment illegally on the basis of forged documents on compassionate ground. These are not one or two cases of such appointments but there are 46 appointments during the span of 5 years. The statement of these witnesses also discloses that the applicant/accuses is the person who was instrumental in preparing such forged documents showing the relationship with the deceased employee and for the purpose of such act, the applicant/accused has charged Rs.1.5 lakhs to Rs.3 lakhs from each one of them. After going through the papers, *prima facie* it appears that this offence is not done by only 2 or 3 persons but it appears that it is a

conspiracy. I also consider that the police require to obtain still 13 files and also wants to know how this forged documents are obtained by the applicant/accused. Considering this, the custodial interrogation of the applicant/accused is required. Hence, the Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)