

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.760 OF 2016

Jaisingh Gangji Katariya	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. A.H.H. Ponda i/b. Mr. Ashish Raghuvanshi, for Applicant.
Mr. S.H. Yadav, APP for Respondent – State.
Mr. Pravin Patil (API), DCB CID, Unit-VII, Mumbai.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 28th APRIL, 2016

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 419, 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code in C.R. No. 131 of 2016 registered with Bhandup police station, Mumbai. The offence is registered at the instance of A.P.I. Mr. Rajendra Karankot on 30th March, 2016. Thereafter the investigation was handed over to DCB CID, Unit – VII, Mumbai vide C.R. No. 34 of 2016.

2. It is the case of the prosecution that in the year December, 2015 the complainant received the order and the information from Dy. Commissioner of Police that some persons hatched conspiracy with the employee of B.M.C. by obtaining bogus documents i.e. birth certificates and other documents and they got bogus persons employed in Corporation under compassionate ground/quota. So the complainant along with police officer investigated the matter and found that one person Ramesh Gohil was found got employed in B.M.C. by issuing fake birth certificate. Said Ramesh Gohil represented that he is the son of one Aalji Gohil. However, on inquiry it was found that Aalji Gohil did not have a son but had one daughter and the true name of said Ramesh Gohil is Mukesh Shamji Kataria which is the co-accused in the present case. On inquiry, police found that the present applicant/accused Jaising Kataria is the uncle of said Mukesh Kataria and he has prepared the bogus certificates. Hence, the offence is registered against the applicant/accused.

3. The learned counsel for the applicant/accused submits that the applicant/accused is not concerned with this offence. He relied on the remand report dated 11th April, 2016. He submitted that

in the said remand report, police did not disclose the name of the applicant/accused but only stated as Jaisingh and there can be many Jaisingh. He further submitted that the applicant/accused is not concerned with this offence and he is falsely implicated in this case.

4. The learned prosecutor oppose the application. He relied on the statements of witnesses.

5. Perused the first information report and statements of the witnesses. It shows that the applicant/accused is the uncle of Mukesh Kataria who had represented before the authority of B.M.C. that he is the son of one Aalji Gohil and got himself employed in the Corporation under compassionate ground/quota since last two years, though he was not enable to the said employment in compassionate quota under B.M.C. The statements of the witnesses shows that the applicant/accused has contacted the witnesses for getting false birth certificate and showed the fake certificate to him and informed that he got it to be done from one Doctor and the said Doctor has signed all the documents because he was transferred. Considering the role played by the applicant/accused and the allegations made against

him, no protection can be granted to the applicant/accused as the police required to interrogate the applicant/accused to investigate the matter. Hence, the anticipatory bail application stands rejected.

(MRIDULA BHATKAR, J.)