

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1022 OF 2016

Ms. Tanvi Kirtikumar Pandya	...	Applicant
vs.		
The State of Daman (Union Territory)	...	Respondent

Mr. Subodh Desai i/b. Mr. Amit P. Ghag, Advocate for the applicant.
Ms. P.H.Kantharia, for the Respondent.
Mr. Prashant Jadhav, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 20th September, 2016.

P.C.

1. Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending her arrest in Crime No.127 of 2015 registered with Nani Daman Police Station for the offences punishable under Sections 468, 471, 474, 465, 419, 409 of IPC.

2. It is the case of the prosecution that the applicant was working as a clerk in the Office of the Civil Registrar-cum-Sub Registrar, Daman, for the period 2003 to 2008. In the year 2009, she was transferred to the Department of Science & Technology at Daman. In 2014, the applicant was transferred to the Industrial Centre at Daman. It is the case of the

prosecutioon that on 3.8.2015, Hasmukhbhai Bhandari lodged a report at the police station that his father-in-law Deva Keshav Bhandari had expired. He had learnt that the brother of the deceased Deva i.e. Dahyabhai Keshavbhai Bhandari had drawn a birth certificate and an extract of taken over from the original Register which showed that the name 'Deva' was changed to 'Dera keshav'. he had obtained the documents for visiting U.K. and had fabricated the fake documents to obtain the Indian Passport. According to the complainant, the accused Narendra Bhandari was arrested on 14.8.2015. Thereafter, the complainant had sworn an affidavit exonerating the accused. The said affidavit is marked "X" for the purpose of identification. In the course of investigation, it was revealed that the present applicant, who was working as Lower Division Clerk and was handing the Register, was responsible for making the changes in the name 'Deva" and converting it to 'Dera'.

3. Today, the learned counsel for the applicant has placed on record, alog with an affidavit, extracts of the Register from the Office of the Civil Registrar-cum-Sub Registrar, Daman which shows that the contents of the Register itself had shown the name as 'Deva', but the handwriting was read as 'Dera'.

4. The learned counsel for the respondent fairly submits that the statements were recorded in the year 2002 itself and the copies were also maintained and at that time the applicant was not working in the Office of the Sub Registrar or Civil Registrar. Prima facie, it appears that the accused-applicant herein cannot be held responsible for any apparent change in the name of Deva Keshav.

5. Taking into consideration the nature of allegations, the papers of investigations and the submissions advanced across the Bar, the applicant who happens to be a Government servant, deserves to be granted pre-arrest bail.

6. It is made clear that the learned Sessions Judge shall not be influenced by the above observations at the time of considering the application for quashing, discharge application or at the time of trial.

ORDER

(i) The application is allowed.

(ii) In the event of her arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(iii) The applicant shall report to the concerned police station as and when called, if necessary.

Application is allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)