

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.361 OF 2015
IN
ANTICIPATORY BAIL APPLICATION NO.1426 OF 2014**

The State of Maharashtra

... Applicant

Vs.

Sanjay Shivaji Mali & anr.

... Respondents

Mr.Y.M. Nakhwa APP, for Applicant – State
Mr.D.D. Rananaware for Respondents

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 9, 2017

P.C. :

1. This application is moved for cancellation of anticipatory bail granted to the respondents/accused by this Court vide order dated 9.12.2014 in Anticipatory Bail Application No.1426 of 2014.
2. Learned Prosecutor appearing for the applicant/State submitted that the respondents/accused No.1 Sanjay Shivaji Mali has filed a bogus medical certificate that on 8.9.2014 he was admitted in a hospital as an indoor patient. The learned Prosecutor relied on a report of Civil Surgeon, Satara dated

16.12.2014 wherein he has informed that the respondent/accused Sanjay Shivaji Mali was not admitted as indoor patient on those two days. The learned Prosecutor has, therefore, submitted that the respondent/accused has filed a bogus certificate and, therefore, the anticipatory bail be cancelled.

3. The learned Counsel for the respondents/accused submitted that the respondents have not breached any condition imposed on them at the time of granting pre-arrest bail.

4. Heard the learned Prosecutor as also the learned Counsel for the respondents. Nothing is shown about the violation of the order of granting pre-arrest bail by this Court. If a forged document is prepared and filed by the respondents/accused in the Court, then, the State may take necessary action against the respondents/accused by following proper procedure of law. However, this is not a ground to cancel the pre-arrest bail. Also, the medical certificate was not a factor before the Court at the time of granting pre-arrest bail.

5. Application is, therefore, rejected.

(MRIDULA BHATKAR, J.)