

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1732 OF 2017

Maruti Shankar Salunkhe ... **Applicant**

V/s.

The State of Maharashtra ... **Respondents**

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Mr.Niranjan S. Mundargi, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 2nd NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.35 of 2017 for the offences punishable under Sections 465, 466, 468, 469, 471, 419, 409, 420 of the Indian Penal Code registered with Mata Ramabai Ambedkar Marg Police Station, Mumbai, by this application, is seeking his release on bail after filing of the charge-sheet.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that the applicant was working as clerk with the Chief Metropolitan Magistrate Court and at the relevant time he was posted with the Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai. According to the learned Advocate appearing for the applicant/accused, after completion of

investigation and on filing of the charge-sheet further pre-trial detention of the present applicant is not warranted as he is placed under suspension and, therefore, there is no possibility of tampering evidence of the prosecution. It is further argued that the applicant being the permanent resident of Mumbai, his availability for the trial and for receiving the sentence, if any, ultimately imposed on him cannot be doubted.

3 The learned Additional Public Prosecutor opposed the application by contending that considering the nature and the manner in which it was done, the applicant is not entitled for bail.

4 I have considered the rival submissions and also perused the entire charge-sheet.

5 The incident in question took place on 11/02/2017 when the learned Metropolitan Magistrate visited his Court Room on occasion of the National *Lok Adalat*. He found that his signatures are forged on several Orders passed under Section 142 of the Negotiable Instruments Act for transferring the complaint cases to some another Court. This fact was intimated to the learned Chief Metropolitan Magistrate and thereafter, the Registrar of the said Court lodged a report which ultimately resulted in registration of crime in question.

6 Now the investigation of the alleged offence is over. Perusal of the statement of the learned Metropolitan Magistrate whose signatures are stated to be forged does not show that Orders on which his signatures were made are also forged.

7 The applicant is not having any criminal antecedents. His availability for trial and for receiving the sentence is not disputed. As he is suspended, there is no possibility of tempering the documentary evidence by the applicant. Hence, I see no reason to deny bail to him. Therefore, the Order :

- (i) The application is allowed.
- (ii) The applicant/accused in Crime No.35 of 2017 for the offences punishable under Sections 465, 466, 468, 471, 419, 409, 420 of the Indian Penal Code registered with Mata Ramabai Ambedkar Marg Police Station, Mumbai, be released on bail on his executing P.R.Bond of Rs.15,000/- and on furnishing surety in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.
- (iv) The applicant / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade

him from disclosing such facts to the court or to the Police Officer.

(A.M.BADAR J.)