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

ANTICIPATORY BAIL APPLICATION NO. 1555 OF 2015

Sudhir Sitaram Raut	.. Applicant
Vs.	
The State of Maharashtra	.. Respondents

Mr. Samir A. Vaidhya for the Applicant.
Mr. Umesh Vasant Mohite for Respondent No.2.
Mrs. P. P. Shinde, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 12th APRIL, 2017.

P. C. :

1. By an order dated 18.01.2016 the applicant was granted interim relief. It is the prosecution case in nutshell that the applicant submitted forged and fabricated Resolution Nos.5 and 6 of Gram Panchayat, Bhorande dated 20.11.2011 with the Government Authorities. By the said order dated 18.01.2016, the applicant was directed to attend the Investigating Officer from 27.01.2016 to 30.01.2016 between 10.00 a.m. to 2.00 p.m. and to join the process of investigation.

2. This matter is being adjourned from time to time for various reasons. Today the present application is taken up for hearing. The learned APP, on instructions from the Investigating Officer namely, Shri P. S. Giri, API, Tokawade Police Station, Thane Rural, submitted that though the applicant attended the Investigating Officer on the stipulated dates, he refused to give specimen signatures and to co-operate in the process of

investigation. This Court therefore, personally perused the case diary pertaining to the present crime. Astonishingly, at the first instance it is to be noted here that the case diary is maintained in utter breach or contravention of Section 172 (1-B) of the Criminal Procedure Code. The case diary is maintained in the form of loose paper sheets and without pagination in seriatum. Secondly, the case diary of the dates 27.01.2016 to 30.01.2016 is absolutely silent about the noting of refusal of the applicant in co-operating with the Investigating Agency. There is no reference at all in the said case diary about the fact that the applicant was directed and/or requested to give specimen signatures and he refused to do so. In this background, according to me, an incorrect rather false statement is made by the Investigating Officer in the present proceedings before this Court, that the applicant refused to give specimen signature while attending the Investigating Officer on stipulated dates. According to me, this conduct of the Investigating Officer is a serious one and needs to be probed by the Competent Authority. Hence, I hereby direct the Superintendent of Police, Thane Rural to personally look into the matter, conduct an enquiry as may be permissible under the law and submit its report to this Court on or before 04.05.2017.

2. As far as the present application is concerned, after taking into consideration the improper conduct of the Investigating Officer, this Court is of the view that the Investigating Agency is seeking the custody of the applicant without complying with the basic and necessary

fundamentals of investigation and this Court strongly believes that the custody of the applicant is being sought only to cause harassment and to lower down his reputation in the society. It is also brought to the notice of this Court that in Writ Petition which is pending before the Division Bench of this Court, the Sarpanch who has allegedly signed the said resolutions has taken a stand that he, in fact, has signed the said documents in question.

3. In view of the above, the applicant has made out a case for his release on pre-arrest bail.

4. Interim relief granted by order dated 18.01.2016 is hereby confirmed.

5. The application is allowed in the aforesaid terms.

6. To be placed on 04.05.2017 for the compliance of the aforesaid directions.

7. Learned APP to communicate this order to the Superintendent of Police, Thane Rural by all possible modes.

[A. S. GADKARI, J.]