

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2064 OF 2017

Amit Shantaram Matkar @
Amit Prakash Matkar ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

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Mr.S.R.Gaud, Advocate for the Applicant.

Ms.P.P.Shinde, APP for the Respondent/State.

Mr.Hanumant Humbe, Worli Police Station is present in person.

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CORAM : A.M.BADAR J.

DATED : 24th NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.337 of 2017 for offences punishable under Sections 463, 464, 468, 415, 417 and 420 of the Indian Penal Code registered with Worli Police Station, Mumbai on the basis of Order passed under Section 156(3) of the Code of Criminal Procedure in a private complaint by the learned Judicial Magistrate First Class, by this application, is seeking pre-arrest bail.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that by resigning from his

membership of the Metal and Paper Market and Shops Mathadi Labour Board (hereinafter referred to as 'Metal Board' for the sake of brevity), the present applicant became member of Mumbai Iron and Steel Labour Board, Mumbai. The complainant, who happens to be co-worker lodged a complaint against him alleging forgery with an accusations that the applicant had used forged School Leaving Certificate of his School. The learned Advocate submits that considering the nature of offence, custodial interrogation of the present applicant is not warranted.

3 The learned Additional Public Prosecutor opposed the application by submitting that investigation from the School reveals that as per record of the School, the present applicant was not the student of the School.

4 I have carefully considered the rival submissions and also perused the entire case diary as well as the documents placed on record.

5 The applicant is a mathadi labourer. For getting work as a labourer, he has to register himself with the Mathadi Board. Accordingly, it is seen that the applicant had initially registered himself as a labourer with the Metal Board. Subsequently, on 26/08/2009, he applied for registration as labourer with Mumbai Iron and Steel Labour Board, Mumbai. It is case of the

prosecution that School Leaving Certificate annexed to his application is a forged document. The Investigator has already investigated this aspect of the matter and collected certificate from the Principal of the said School to the effect that the present applicant was not the student of the School as per the record of the School.

6 The subject School Leaving Certificate is to the effect that the present applicant was admitted in 8th Std. of said Gurunanak Higher Secondary School. Perusal of application for registration of worker with the Mathadi Board does not show that there is any requirement of undergoing school education. What appears to be mandatory is membership of the Maharashtra State Mathadi, Transport and General Workers Union. Ultimately, the work which mathadi workers are required to perform is labour. The Investigating Officer has already investigated the aspect of alleged forgery in respect of document annexed to the document. In this view of the matter, purpose of investigation would be served, if the applicant is directed to join the investigation. Hence, the Order :

- (i) The application is allowed.
- (ii) The applicant/accused in Crime No.337 of 2017 for offences punishable under Sections 463, 464, 468, 415,

417 and 420 of the Indian Penal Code registered with Worli Police Station, Mumbai on the basis of Order passed under Section 156(3) of the Code of Criminal Procedure in a private complaint by the learned Judicial Magistrate First Class is directed to be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- and on furnishing surety in the like amount.

- (iii) As a condition of this Order, 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.
- (v) As a condition of this Order, the Applicant/accused shall attend the concerned Police Station on 26th November 2017 in between 11.00 a.m. to 1.00 p.m. and to cooperate the Investigator.

(A.M.BADAR J.)