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

BAIL APPLICATION NO.1058 OF 2018

Chintaman Nivruti Sarkate

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Vikas Kolekar for applicant.

Mr. Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 16th July 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No.I-339 of 2017 dated 29.4.2017 registered with Shanti Nagar Police Station, Bhiwandi, District- Thane under sections 420, 468, 471, 201 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] As per the chargesheet, the applicant is accused No.3 in the present crime. The prosecution case in brief is that, Advocate Rizwan Momin and Advocate Smt. Rubina Momin used to procure bogus sureties

for needy accused persons who have been granted bail by the Judicial Magistrate First Class, Bhiwandi. On 16.11.2017 at about 4.30 p.m on a specific information, the police conducted raid and the applicant was found in possession of a bogus ration card issued in the name of Baburao Daberao, Digraj Budruk, Taluka Patur, District- Akola. The applicant could not give satisfactory explanation about the said ration card and therefore after completing necessary formalities, he was arrested on 16.11.2017. After completion of investigation, the police have submitted chargesheet.

4] It is to be noted here that, during the course of investigation, it is revealed that the applicant was in the process of submitting the said document for ration card for remaining as surety. The learned APP on instructions from the Investigating Officer submitted that, during the course of investigation it is found that there are no antecedents at the discredit of the applicant and he is did not stand as a surety for accused by furnishing the said bogus ration card. The learned Counsel for the applicant submitted that, the principal accused Rizwan Momin and Smt. Rubina Momin have been granted pre-arrest bail by the Sessions Court. That the applicant is arrested on 16.11.2017 and since then he is in jail. As noted above, the police have completed investigation and submitted chargesheet. No fruitful

purpose will be served by keeping applicant in further incarceration.

5] In view thereof, the applicant can be released on bail.

Hence, the following Order:-

i] Applicant be released on bail in CR No.I-339 of 2017 registered with Shanti Nagar Police Station, Bhiwandi, on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

ii] After his release from jail, the applicant shall attend the Shanti Nagar Police Station, Bhiwandi on every first Monday of the month between 11.00 a.m to 1.00 p.m

iii] Applicant shall also attend all the dates before the Trial Court unless precluded for medical reasons.

iv] Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellation of bail.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)