

Dond

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

ANTICIPATORY BAIL APPLICATION NO.1272 OF 2017

Dhananjay Ramkrishna Vatari

... Applicant

V/s.

The State of Maharashtra .

... Respondent

Mr. Ajit Savagave for applicant.
Mr. Ameet Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 20th FEBRUARY 2018.

P.C.:

1] This is an application under Section 438 of Cr. P.C. for pre-arrest bail in CR No.I- 200 of 2017 dated 23.5.2017 registered with Vashi Police Station, Navi Mumbai under Section 420 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] By an Order dated 20th July 2017, the applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates.

The first information report is lodged by Dr. Baburao Mane, the

Medical Officer of Navi Mumbai Municipal Corporation. It is the prosecution case that, one person by name Jaydas Mhatre submitted bogus documents indicating that his annual income is not more than Rs.80,000/- for availing medical facilities to be granted the poor people. The said Jaydas Mhatre availed the said medical treatment for his son at Hiranandani Hospital to the tune of Rs.9,03,259/-. That the applicant being a Talathi of the concerned village assisted Jaydas Mhatre in getting certificate from the Tahasildar of the concerned Taluka to the effect that the annual income of Jaydas Mhatre is not more than Rs.80,000/- per year.

4] Prima facie, it appears that the applicant with a view to help and/or facilitate the said Jaydas Mhatre in availing the said medical treatment bills has submitted a report to the Tahasildar stating that the annual income of Jaydas Mhatre is not more than Rs.80,000/-. The record indicates that on the basis of the said certificate, the Government Authorities acted upon it and the said Jaydas Mhatre got benefit from the Government Scheme. Thus it clearly appears that the applicant is instrumental in causing monetary loss to the Government Exchequer for the said amount.

5] After taking into consideration the serious allegations against the applicant and the gravity of the offence, this Court is of the view that the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

6] At this stage, the learned Counsel for the applicant submitted that interim relief granted earlier may be continued for further period of two weeks from today.

However, after taking into consideration the falsity in the conduct of the applicant and serious nature of the offence and for the reasons recorded hereinabove, the said prayer is rejected.

(A.S.GADKARI, J.)