

ANTICIPATORY BAIL APPLICATION NO. 1630 OF 2018

Mr. P.G. Sarda for the applicant.
Ms. A.A. Takalkar, APP for the Respondent-State.
Mr. Ravindra Alekar, PSI, Mulund, P.S. is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 29th AUGUST, 2018.

P.C.

1. This is an application for anticipatory bail in connection with C.R. No.40 of 2018 registered with Mulund Police Station for the offence punishable under Sections 420, 465, 468, 471, 511 of the Indian Penal Code.
2. Prosecution case is that the complainant is employee of Maharashtra State Pharmacy Council. The co-accused Rohini Ahire had submitted an application for registration with Maharashtra State Pharmacy Council annexing certain documents. She was called for verification of the document but requested for cancellation of her application. The application was cancelled on 31st August, 2016 and the amount of fees was refunded to her.

The documents submitted by her were sent to concerned institute for its verification. It was reported that the documents were not issued by the said institute and the same were false and fabricated. During the inquiry, accused Rohini stated that said documents were obtained from the present applicant after enrolling herself in the institution namely A.T.I. Vidyapeeth.

3. Learned advocate for the applicant submits that he has been falsely implicated in this case, except the statement of the co-accused there is no evidence to show his involvement in the crime. Smt. Rohini Ahire has not produced any receipt to show that she has taken admission in the A.T.I. Vidyapeeth. It is further submitted that the alleged amount deposited by the co-accused was credited to the account of the applicant in 2014 whereas she has stated that the admission was taken in the year 2013. It is further submitted that the statement of the landlord that several other students had joined the institute of the applicant and they were also cheated by the applicant is false, as there was enmity between the landlord and the applicant. The applicant has filed the suit against him in respect to the premises which was rented out to the applicant. There is no cogent evidence to establish that false documents relied upon by the co-accused were submitted to

her by the applicant. It is further submitted that police had issued notice under Section 41 A of the Code of Criminal Procedure. Hence, applicant is willing to attend the police station and co-operate with the investigation.

4. Learned APP opposed the application. It is submitted that amount of Rs. 1,30,000/- has been credited into the account of the applicant. There is no enmity between to the co-accused and the applicant. She has no reason to implicate the applicant falsely. Learned APP pointed out the prospectus of A.T.I Vidyapeeth which refers to list of courses offered with details which include Diploma in Pharmacy as well as other courses. It is submitted that institution conducted by the applicant was situated at Aurangabad and the applicant is resident of Mumbai. Smt. Ahire had no reason to implicate the applicant in the said crime.

5. Having heard both the sides, I have gone through the documents on record. On perusal of prospectus of A.T.I Vidyapeeth it is seen that several courses were offered by the said University. According to the applicant, the institution was affiliated to other institutions conducting several courses. He was operating through his office which was situated at Aurangabad. It is also revealed that amount of Rs.1,30,000/- is credited to the

account of the applicant. Learned advocate submits that the said amount was deposited for some other purpose as the co-accused wanted to start her own institute. Opportunity must be given to the prosecution to find out the truth by interrogating applicant. The false and fabricated documents in the form of marksheet and certificate of diploma in pharmacy were allegedly submitted by the applicant accused.

6. Considering the gravity of offence, no case for grant of anticipatory bail is made out. The application stands rejected.

Sachidanand
Kuttan Nair

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(PRAKASH D. NAIK, J.)