

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1746 OF 2018

1. Ankush Ajay Gupta, Age 26 years,
Occ.Business, R/o.401, Trimurti Society,
Mohd.ali Chowk, Near Anil Rice Mill,
Mahagiri Market, Jambhali Naka, Thane.

2. Rohit Ajay Gupta, Age 30 years,
Occ.Business, R/o.605, Krushnai Apartment,
Parsik Nagar, Kharegaon, Kalwa, Thane.

Applicants

versus

The State of Maharashtra

Respondent

Mr.N.S.Mundargi for applicants.
Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 31st August 2018

PC :

1. The applicants are apprehending arrest in connection with CR No.I-161/2018 registered with Chitalsar Police Station, Thane. The case of prosecution is that the applicants are owners of a hotel situated at Vasant Vihar, Thane. They preferred application with the Excise Department to obtain FL-III licence for their hotel. Thereafter the Excise Department had referred the matter to Police Commissioner, Thane for verification. The complainant called for the documents from the applicants for verification purpose. During

verification it was found that one of the no objection certificate pertaining to hospital namely Wellam Hospital and Diagnostics of Dr.Umesh Londhe which was submitted by the applicants, was neither on letter head of the hospital nor was it signed by anybody. When the said fact was verified from doctor, it was found that he had not given the no objection certificate to the applicants. Pursuant to that the FIR was lodged. The applicants preferred an application for anticipatory bail before the Sessions Court which was rejected on 13th August 2018.

2. The offence under Sections 182 and 465 are bailable. The other offence which is invoked in this case is under Section 420 of IPC which is non-bailable in nature, however, prima facie, it is debatable whether the offence u/2 420 of IPC is attracted in this case. As the investigation is pending, I refrain to make any comment on the applicability of the said section. In any case, the letter which was purportedly used and which was allegedly issued by Dr.Londhe does not carry signature of Dr.Londhe and thus it is not alleged that the signature was forged. Learned APP, however, submitted that pursuant to the registration of FIR non cognizable complaint was lodged by Dr.Umesh Londhe on the said day alleging that applicants and others had threatened him.

3. Considering the fact that offences under Sections 182 and 465 are bailable and custodial interrogation of the applicant is not necessary, this application can be allowed on certain conditions.

4. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1746 of 2018 is allowed and disposed off;
- (ii) In the event of arrest of applicants in connection with CR No.I-161 of 2018 registered with Chitalsar Police Station, Thane, the applicants be released on bail on furnishing PR bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;
- (iii) The applicants are directed to report the investigating officer of Chitalsar Police Station, Thane once in a week on every Saturday between 10 am and 12 noon till filing of charge sheet;
- (iii) The applicants shall not tamper with evidence or threaten the witnesses.

(PRAKASH D. NAIK, J.)

MST