

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

ANTICIPATORY BAIL APPLICATION NO.2104 OF 2018

Prakash Bajirao Ghosalkar

.. Applicant

Vs.

State of Maharashtra

.. Respondent

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Mr.Niranjan S. Mundargi i/b. Mr.Vikram Sautaria, Advocate for
the Applicant.

Mr.Y.M. Nakhwa, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 16, 2018.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.277 of 2015, registered with Kherwadi Police Station, Mumbai, for the offences punishable under Sections 420, 465, 468, 471 read with 34 of Indian Penal Code ("IPC", for short). Applicant preferred an application for anticipatory bail before the Sessions Court, which has been rejected vide order dated 17th September, 2018.

2 The prosecution case is that in the year 2015, inquiry was conducted in MHADA office Mumbai, wherein it is revealed

that in the year 2009, there was illegal allotment of tenements by forging the documents. It is alleged that applicant / accused in collusion with some MHADA Officers have prepared bogus master list of the beneficiaries by forging the documents and thereby allotted tenements. During inquiry, it was revealed that 15 original files of the allotment were missing from the office and in 11 cases applicant/accused in collusion with MHADA officer Sandhya Landge and others have forged the documents of allotment and thereby allotted 11 tenements.

3 FIR was thereafter registered on 11th September, 2015. Investigation proceeded and according to the prosecution, the involvement of the applicant was revealed during the course of investigation. Co-accused Sandhya Landge, has been arrested on 4th September, 2018.

4 Learned counsel for the applicant submitted that FIR was lodged on 11th September, 2015, in relation to the alleged illegality, which was committed in the year 2009. There is no evidence against the applicant to connect him with the said crime. The main accused has been arrested, and, she is in custody. It is further submitted that the applicant is being

impleaded merely on the basis of the statements of the co-accused, and, therefore, the applicant cannot be subjected to custody. The entire matter relates to the documents, for which custodial interrogation of the applicant is not necessary. The applicant is not involved in a forgery of any documents. The main role has been assigned to the officials of MHADA, and, on the basis of vague allegations, the applicant need not be subjected to custody. It is also submitted that the applicant is a respectable person and conducting his business to earn his livelihood. He is not involved in the crime. It is also submitted that the applicant is ailing and he has undergone Bypass.

5 Learned APP submitted that there is sufficient evidence against the applicant. He pointed out the statements of witnesses recorded during the course of investigation, which shows the involvement of the applicant. It is submitted that the investigation revealed that the applicant used to visit the office of MHADA and acted in connivance with Smt.Sandhya Landge, who has been arrested in this case. It is submitted that accused have committed serious crime of forgery of documents and allotment of tenements to the persons. The statements recorded during the investigation also shows that the applicant-accused had accepted consideration for giving favours to the persons.

6 I have perused the investigation papers. The investigation conducted by the police shows the complicity of the applicant. Initially the prosecution had relied upon the statement of the co-accused made during the course of investigation, however, investigation machinery has conducted further investigation which discloses the complicity of the applicant. According to prosecution, the applicant used to visit MHADA Office and was acting in connivance with arrested accused. Investigation shows his complicity. Taking into consideration the nature of crime, an opportunity must be given to the police to investigate the crime by custodial interrogation of the applicant. In view of the above, no case for anticipatory bail is made out. Hence, Anticipatory Bail Application No.2104 of 2018, is rejected.

(PRAKASH D. NAIK, J.)