

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

BAIL APPLICATION NO.2516 OF 2017

Mr. Ganesh Suresh Amolekar		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Sagar J. Ruparel for the Applicant.
Ms. Veera Shinde, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 10th January, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 18th July 2016 in Crime No.145 of 2015, registered at Uran Police Station for the offences punishable under Section 197, 198, 200, 463, 465, 466, 467, 468, 471, 473, 474, 475, 420, 120(B) of Indian Penal Code. The investigation is completed and the charge-sheet is filed against the present applicant for the said offences on 18th October, 2016. The case is registered as Regular Criminal Case No. 154 of 2016.

3 It is the case of the prosecution that one Ramesh Surajbax Singh was an accused in RCC No. 183 of 2005. Non-bailable warrants were issued against him. On 16th May, 2016, he had filed an application seeking exemption, which was rejected and hence accused Ramesh was arrested on 27th May, 2016, as he was produced by the officials of C.B.I.

4 Accused- Ramesh had filed an application seeking bail. The learned Magistrate at Uran court had granted bail on the condition that he furnishes personal bonds and surety bond to the tune of Rs.25,000/-. On 6th June, 2016, the present applicant had stood as surety to Ramesh Singh. He had produced solvency certificate from the office of Talsildar at Shahapur. The applicant had appeared before the Magistrate and upon query made by the Magistrate, he had acquiesced to the genuineness and verification of the solvency certificates and documents furnished by him. The documents were sent for verification on 7th June, 2016, the report of which was received on 27th June, 2016 and it was revealed that the documents are sham and bogus. The applicant had disclosed his name as Sandip Ashok Pawar, whereas his real name is Ganesh s/o suresh Amolikar. Hence, Crime No. 154 of 2016 registered against the applicant.

5 Learned counsel for the applicant submits that the applicant is not the person who had manufactured or forged the documents. He had only subjected himself to verification. The documents were given by the co-accused. That the applicant is in custody since 18th July 2016 and hence he deserves to be released on bail. As against this, the learned APP has drawn attention of this court to the documents furnished before the court by the applicant. Learned APP has also shown the statements of his advocates and other witnesses. It is submitted that the applicant had the audacity of misleading the Magistrate. He has disclosed his false name to the Magistrate apart from furnishing the documents. Upon perusal of the papers of the investigation and hearing the submissions of the learned counsel, it is clear that the applicant has no fear or respect of law. He is not a law abiding citizen. There is sufficient material to indicate that the present applicant has committed the offences for which he has been charge-sheeted and hence the the application being sans-merits, stands rejected.

6 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial.

(Smt. Sadhana S. Jadhav, J)