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

ANTICIPATORY BAIL APPLICATION NO.2433 OF 2018

Trimbak Shankar Kshirsagar

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Milind Godbole for Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 28th November 2018.

P.C.:

1] The applicant is apprehending arrest in CR No. 320 of 2018 dated 29.9.2018 registered with Walchandnagar Police Station, District-Pune under section 420 of the Indian Penal Code.

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

3] The first information report is lodged by Mr. Satish Kasbe, Vice-Chairman of Walchandnagar Sahakari Bank Ltd. It is the allegation against the applicant that, he produced his birth certificate depicting his birth date as 10.6.1953 while joining service on 1.12.1973. The applicant retired from

services of the said Bank on superannuation on 10.6.2013. One Mr. Harshwardhan Gaikwad made a complaint with the said Bank that, though the applicant's date of birth is 10.6.1951, the applicant by submitting birth certificate showing his date of birth as 10.6.1953 joined the service of the said bank and thus has cheated the said bank.

4] It is to be noted here that, the applicant joined the service of the said bank on 1.12.1973 and after performing service for about 40 years, has retired on superannuation. Prima facie it appears that, said Mr. Harshawardhan Gaikwad has personal grievance against the applicant and he instead of filing complaint with the police, has prompted the first informant to lodge the first information report. It appears that, the lodgment of the present complaint is with malafide intention at the behest of Harshwardhan Gaikwad and the first informant. Even otherwise as of today the applicant is aged about 65 years and the entire investigation of the present case is solely based on the documents which are either with the said bank and/or Investigating Agency.

5] After taking into consideration the peculiar facts of the present case, this Court is of the view that, the custodial interrogation of the applicant for further investigation of the present crime is not necessary and

the applicant can be protected by pre-arrest bail.

Hence the following Order:-

- i] In the event of arrest in CR No. 320 of 2018 registered with the Walchandnagar Police Station, District- Pune, the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one or two local sureties in the like amount.
 - ii] Applicant shall attend the Investigating Officer as and when called for after receipt of notice in writing from the concerned Investigating Officer and to join the process of investigation till filing of final report.
 - iii] Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- 6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)