

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 2653 OF 2018**

Shirish Dinkar Ghogale

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. B.G. Ligade for the Applicant.

Mr. Amit Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 21st DECEMBER, 2018.

P.C.:-

The Applicant is apprehending arrest in C.R. No. 320 of 2018 dated 29th September, 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 Shri. Satish Kasbe, Vice-Chairman of Walchandnagar Sahakari Bank Limited. It is the allegation against the co-accused namely Shri. Trimbak Kshirsagar that, he produced his birth certificate depicting his birth date as 10th

June, 1953 while joining service on 1st December, 1973. The co-accused retired from services of the said Bank on superannuation on 10th June 2013. One Shri. Harshwardhan Gaikwad made a Complaint with the said Bank that, though the co-accused's date of birth was 10th June 1951, he, by submitting birth certificate showing his date of birth as 10th June, 1953 joined the service of the said bank and thus, has cheated the said bank.

4 It is the prosecution case as against the Applicant that, the Applicant was head-master of the Walchandnagar Vidyalay, Walchandnagar and has issued the certificate dated 10th June, 1953, which is alleged to be a doubtful document in the present crime. The said certificate was issued in favour of co-accused Shri. Trimbak Kshirsagar, an employee of the said Walchand Nagar Sahakari Bank Limited. The Applicant has already retired from the service on superannuation from the said school in the year 2014 after completing more than 30 years of service.

Shri. Trimbak Kshirsagar has been granted pre-arrest bail by this Court by its Order dated 28th November 2018, on the ground that Shri. Harshawardhan Gaikwad has personal grievance against the said co-accused Shri. Trimbak Kshirsagar and instead of filing

complaint with the police, has prompted the first informant herein to lodge the present first information report. This Court has recorded a *prima facie* opinion that, the lodgment of the present complaint is with malafide intention at the behest of Shri. Harshwardhan Gaikwad and the first informant herein.

5 Even otherwise, as of today the Applicant is aged about 63 years and the entire investigation of the present crime is solely based on the documents which are either with the said bank and/or with the Investigating Agency.

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:-

- a) 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.

- b) 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 the final report.
- c) 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.)