IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.12 OF 2019

Sanjay S/o. Omprakash Sharma .. Applicant
Vs.
State of Maharashtra .. Respondent

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Mr.Ashok M. Saraogi, Advocate for the Applicant.
Mr.R.M. Pethe, APP for the Respondent – State.
Mr.Vijay Patil, PSI, Unit – I, DCP, CID, Mumbai, present.
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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 4, 2019.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.307 of 2018, registered with Azad Maidan Police Station, Mumbai, for the offences punishable under Sections 197, 198, 463, 465, 468, 471, 473, 420, 120(B) of Indian Penal Code ("IPC", for short), on 15th December, 2018. Applicant preferred an application before the Sessions Court, which has been rejected.

2 The prosecution case is that the applicant was arrested in connection with C.R.No.331 of 2013, which was

registered for offence punishable under Section 420 read with 120(B) of IPC. Applicant was in custody for a period of about three years in the said case. He preferred an application for bail, which was allowed. The applicant could not arrange for the sureties. Subsequently, the applicant preferred an application before this Court for modification of bail order, which was allowed. Pursuant to that the applicant furnished sureties. It is alleged that on receipt of information that racket is operating in providing bogus sureties, investigation was conducted by police and it was noticed that the sureties, who had executed the bail bonds in pursuant to the order of bail had tendered fabricated documents, such as ration card, salary certificate and identity card of their employment. The said fact has brought to the notice of trial Court, and, issuing appropriate directions, the FIR was registered against the applicant and the sureties for the aforesaid offence.

3 Apparently, the applicant was released on bail in the earlier case after execution of the bail bonds and sureties on the basis of the documents furnished by the applicant. It is contended that the applicant was in custody in connection with earlier case and he has no knowledge about false documents being furnished

by the sureties. It is further submitted that the custodial interrogation of the applicant is not necessary. The procedure followed by the learned Magistrate in issuing directions for registration of FIR in accordance with Section 340 of Cr.P.C. is contrary to law. It is further submitted that the applicant was in custody for a period of about three years and had ultimately arranged sureties for execution of bail bonds. No knowledge can be attributed to the applicant that the sureties had furnished bogus documents. Whereas, learned APP pointed out that racket is involved in providing sureties with with false documents, bail orders granted by the Court. The main accused person is still absconding. The documents were furnished in execution of the bail bonds in accordance with the order granting bail passed in favour of applicant. The documents, such as ration card, identity card as well as the salary certificate submitted by the sureties were found to be fabricated. The co-accused has acted as sureties in the other cases also, which requires investigation. Applicant cannot feign ignorance to the fact that the sureties had tendered bogus documents. On perusal of FIR and considering the submissions advanced by the prosecution, no case for anticipatory bail is made out. The offence is of serious nature and and the applicant cannot claim ignorance of the fact that the sureties had produced fabricated documents. It is pertinent to note that the sureties which were furnished by the applicant were acting as professional sureties. In the circumstances, the application is required to be rejected. Hence, Anticipatory Bail Application No.12 of 2019, is rejected.

(**PRAKASH D. NAIK, J.)**