

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

CRIMINAL BAIL APPLICATION NO. 880 OF 2019

Sunil Shankar Bhosle	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.S.R. Gaud for Applicant.
Ms.J.S. Lohokare, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 22nd April 2019.

P.C. :

1] This is an application under Section 439 of the Code of Criminal Procedure for bail in connection with C.R. No. 513 of 2018 dated 15/11/2018 registered with D.N. Nagar Police Station, Mumbai, for the offence punishable under Section 420, 465, 466, 468 read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] The prosecution case in nutshell is that, the applicant under the directions of the co-accused Mahendrasingh Chavan @ Shyam,

Bhatkumar Kholia and Anil Lambade prepared in all seven bogus 'Birth Certificates' by accepting certain amounts from the concerned persons. The present crime is registered after receipt of the information by the Officers of the Mumbai Municipal Corporation that, the co-accused Mahendrasingh Chavan @ Shyam is acting as an agent in providing 'Birth Certificates' to the needy persons by accepting Rs.10,000/- to Rs.30,000/- in that behalf.

During the course of investigation, the applicant came to be arrested 20th November 2018 and after completion of investigation, the police have submitted chargesheet.

4] The record indicates that the co-accused Mahendrasingh Chavan @ Shyam used to take money from the needy persons to provide them bogus 'Birth Certificates' allegedly issued by the Mumbai Municipal Corporation. That the co-accused Bhatkumar Kholia and Anil Lambade used to act as agents in that behalf and the applicant under the directions of Mahendrasingh Chavan @ Shyam and Bhatkumar Kholia used to prepare the said bogus 'Birth Certificates' by tampering with the computer system of Mumbai Municipal Corporation. The record further indicates that the co-accused Mahendrasingh Chavan @ Shyam and

Bhatkumar Kholia have been granted bail by the Sessions Court Mumbai. It *prima-facie* appears that, the role attributed to the present applicant is of tampering with the computer system of the Mumbai Municipal Corporation. The investigation of the present crime is already completed. It is submitted by the learned counsel for the applicant that, the applicant has already been suspended from service of Mumbai Municipal Corporation and the 'Departmental Enquiry' is being conducted by the concerned authority.

5] In view of the above, the applicant can be released on bail.

Hence, following order :-

- (i) The Applicant be released on bail in C.R. No. 513 of 2018 dated 15/11/2018 registered with D.N. Nagar Police Station, Mumbai, on his furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from Jail, the applicant shall attend all the dates before the trial Court, unless exempted by the concerned Court.

- (iii) In case of two consecutive defaults, the Prosecution is at liberty to file an application for cancellation of bail.
- (iv) Applicant shall not tamper with the evidence and/or influence prosecution witnesses.
- (v) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]