

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1331 OF 2019

Anil Pandurang Raskar
Versus
The State of Maharashtra

... Applicant

... Respondent

Mr. Udaykumar J. Sarode, Advocate for the Applicant.
Mr. Rajan Salvi, APP for the State.
Ms. Shabnam Shaikh, API, Swargate Police Station.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 24th JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with CR no. 261/2019 registered with Swargate Police Station punishable under Sections 465, 468, 471 and 420 of IPC.
2. FIR is lodged on 21st May 2019 by one Uttam Lande who was working as traffic inspector with MSRTC, Swargate, Pune. It is mentioned in the FIR that, on 10th May 2019, he received a phone call from one S. T. bus Conductor. He was informed that the present applicant was travelling in a bus coming from Shirur to Pune. The applicant was trying to use one identity card for seeking exemption from purchasing his ticket. The conductor became suspicious as the identity card was carrying a logo of S.T. However, details on the card were not in accordance with the rules. After

the bus reached the depot, the conductor took the present applicant before the first informant. The inspector saw the identity card and realised that the logo of ST was unauthorisedly printed on the identity card. Based on these allegations, FIR was lodged. During the investigation it was transpired and it is also his case that the applicant was working with ST employees co-operation society. It is a private institution and he was working as a clerk.

3. Heard Mr. Sarode, learned counsel for the applicant and Mr. Salvi, learned APP for the State.

4. The learned counsel for the applicant submitted that the bus conductor had issued a ticket for Rs. 100/- and therefore it cannot be said that the identity card was used for exemption from purchasing ticket. He therefore submitted that no offence is made out. He also submitted that the present applicant is working as a clerk in the co-operative society of the employees of the S.T. The applicant is falsely implicated in this case because of internal dispute. Against this learned APP submitted that the offence is serious. The logo of S.T. is unauthorizedly used and custodial interrogation is required.

5. Though the S.T. conductor had issued a ticket for Rs. 100/-, the FIR and statement of the conductor show that the applicant had tried to use that identity card to claim exemption from purchasing ticket. The offence could not be completed but the attempt to commit the offence is very much clear

from the facts. The applicant tried to commit the offence of cheating, thus he has definitely committed offence under Section 511 of IPC. Accordingly, this offence is not bailable. In this view of the matter, no case is made out for anticipatory bail. Custodial interrogation to find out details of creating and misusing that card, is necessary. Hence, application is rejected.

6. The learned counsel for the applicant submitted that the applicant was granted interim protection during the pendency of his application before the court of sessions, Pune, which was extended till 21st June 2019. he requested that interim protection granted to him be extended.

7. After considering request and considering the facts of the matter, I am not inclined to accept his request. It is also noteworthy to point out that the applicant is having the copy of statement of conductor recorded under Section 161 of the Cr. P.C. The applicant has not satisfactorily explained as to how he came in possession of this statement which was recorded during the investigation. Thus, there is a clear attempt on his part to tamper with the investigation. In these circumstances, I am not inclined to grant any relief to the applicant. Request is rejected.

(SARANG V. KOTWAL, J.)