

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1444 OF 2019

Prashant Jaysing Aahire .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Manoj J. Bhatt, Advocate, for the Applicant

Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 48 of 2018 registered with the Palghar Police Station, Palghar, for the alleged offences punishable under Sections 420, 465, 467, 468, 472, 473, 474, 120B, 511, 471 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant states that the Applicant is working as a primary teacher in Malegaon since 2011 and that he is in no way concerned with the alleged offences. He submits that the

Applicant is neither named in the FIR nor any role is assigned to him in the charge-sheet filed against the co-accused, on 22.01.2019. He states that the Applicant was summoned by the Police in June, 2019 and that there is no explanation for the delay.

4. Learned APP states that the Anticipatory Bail Applications of identically placed co-accused – Ramesh Dattatray Pawar and Pramod Bhaskar Kahu were rejected by this Court and that the SLP's filed against these orders have been dismissed by the Apex Court. Learned APP opposes the Application. Learned APP relies on the statement of Mr. Charang to show the Applicant's complicity in the offence.

5. Perused the papers. The Complainant – Mr. Nandkishor Jeurkar, Additional Chief Executive Officer, Zilla Parishad, Palghar has alleged that some officers of the General Administration Department, Zilla Parishad, Palghar hatched a criminal conspiracy with other accused and forged a Government Resolution and after forging the Resolution issued appointment letters to some of the co-accused, as Peons in the Rural Development Department of Zilla Parishad, Palghar. A perusal of the statement of the witnesses, in particular, the statement of Mr. Vithoba Charang recorded on 17.05.2018 clearly shows the

complicity of the Applicant. The said witness has clearly stated that the Applicant was paid Rs. 8,00,000/-, for getting a job, for his nephew in Zilla Parishad, Palghar. He has stated that the said amount was paid in instalments, after borrowing money from relatives, friends, on interest. He has stated that the Applicant introduced him to Chandrakant Patil and told his nephew that he had received a job as a Peon. A perusal of the statement shows that various amounts were paid to the Applicant for securing a job in Zilla Parishad, Palghar. The accused in connivance with each other have forged and fabricated Government Resolution as well as appointment letters. It is not in dispute that all the co-accused have been granted regular bail. Prima facie, considering the role of the Applicant, this is not a fit case to grant pre-arrest bail to the Applicant. Hence, the Application stands rejected.

6. It is made clear, that the observations made herein are *prima facie* for deciding the aforesaid Application and if an Application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)