

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1691 OF 2019

Gulam Murtuza S/o Mehmood Khan .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Durgesh Suryawanshi a/w Mr. Rohan Khiyani i/b. Mr. Vedchetan Patil, Advocate, for the Applicant

Mr. P. H. Gaikwad-Patil, APP, for the Respondent – State

Mr. L. D. Jori, PSI, Crime Branch, Bhiwandi, Thane present

CORAM : REVATI MOHITE DERE, J.

DATE : 19.09.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 161 of 2018 registered with the Kongaon Police Station, Thane, for the alleged offences punishable under Sections 420, 465, 467, 468, 471, 34 of the Indian Penal Code.

3 Learned counsel for the Applicant submits that the Applicant was working as an employee of accused No. 2 - Sayed Shakir. He submits that after the registration of the FIR, the Applicant's statement was recorded under Section 161 of Cr.P.C. and after investigation, charge-sheet was filed as against accused Nos. 1 to 6.

According to the learned counsel, it is the case of the prosecution that the accused No. 1 purchased car in scrap and thereafter, fabricated documents to sell the said vehicles to third party. It appears that RTO Officers were also involved in the said offence. The allegation against the present Applicant is that he filled Form 20 in his handwriting. According to the learned counsel, the Applicant, being an employee of accused No.2 - Sayed Shakir, the Applicant filled the said form, in the course of his employment. He submits that there were no allegations made as against the Applicant, till the charge-sheet was filed as against accused Nos. 1 to 6.

4. Learned APP states that the Applicant has reported to the concerned police station as directed by this Court vide order dated 01.08.2019.

5. It appears that the Applicant was only working as an employee with accused No. 2 – Sayed Shakir. It appears that the only allegation as against the Applicant is that he filled Form 20 in his handwriting. The Applicant has reported to the investigating officer of the concerned police station as directed by this Court.

6. Considering the aforesaid, custody of the Applicant is not warranted. Accordingly, the Application is allowed and the interim order

dated 01.08.2019 is confirmed on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 15,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)