

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

**ANTICIPATORY BAIL APPLICATION NO.2138 OF 2019**

Santosh Shrirang Londhe

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

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Mr. Kuldeep S. Patil, Advocate, i/by Prashant S. Hagare,  
for the Applicant.

Smt. A.A.Takalkar, APP for the State.

(Shri P. N. Kharat, PSI- Daund Police Station, Dist. Pune is  
present)

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : OCTOBER 01, 2019.**

**PC :**

1           The applicant is seeking anticipatory bail in connection with the CR No. 447 of 2019, registered with Daund Police Station, Daund, Dist. Pune, under sections 419, 468, 167 r/w. 34 of the Indian Penal Code.

2           The offence/ FIR was lodged on 17<sup>th</sup> August, 2019 by one Ganesh Yashvant Raut, who was working as Assistant Superintendent/ Nazar in the court of Judicial Magistrate, First Class, Railway Court, Daund. He has stated in his FIR that on 13<sup>th</sup> August, 2019, the police constable - Shri Barve produced four cases, concerning the offences connected with the railways, before the

Railway Court. In case no. 2225 of 2019, the accused was charged with the offence punishable under sections 145(B) and 146 of the Indian Railways Act. The accused had assaulted the ticket checker / collector. The accused was produced before the Presiding Judge of the Railway Court. However, the Presiding Judge suspected that the accused produced before him was not real accused and some impostor was produced before him in place of the real accused. The Presiding Judge asked for identification card of that person. The person who was produced before the court had no any identification card with him. On the same day i.e. on 13.08.2019, in the evening, some police officers went to the residence of Presiding Judge and requested him not to take any steps against the present applicant. However, the Presiding Judge directed the informant to lodge FIR. Accordingly, this FIR was lodged.

3            Heard Shri Kuldeep Patil, learned counsel for the applicant and learned APP for the State.

4            Shri Patil learned counsel for the applicant submitted that the applicant himself never produced the accused before the court. The applicant has not committed any offence and that his custodial interrogation is not necessary. Learned APP produced the investigation papers before me. I have perused the

investigation papers. One of the most important statement is of Police Constable - Dilip Barve, recorded on 24.08.2019. He has stated in his statement that the applicant had switched impostors with the real accused - Indrajeet Yadav. When the Presiding Judge came to know that there was some fraud played on the court, as the applicant prevented the real accused -Indrajit Yadav to be produced before the court. From the statement of this witness, it is clear that the present applicant has played important role in the commission of the offence. The applicant being police officer has played fraud on the court and has tried to protect the real accused. Custodial interrogation is necessary. There is no merit the in anticipatory bail application.

5            The Application is, therefore, rejected.

(SARANG V. KOTWAL, J.)

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