

909- ABA 2391 of 2019

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

ANTICIPATORY BAIL APPLICATION No. 2391 OF 2019

***Sanjay Dhanaji Kamble
Vs.
The State of Maharashtra***

...Applicant

...Respondent

Mr. H.S. Anand i/b. Mr. Sachin Kamble, Advocates for the Applicant
Mr. Ajay Patil, APP for the State.

CORAM : SANDEEP K. SHINDE, J.

DATE : November 6, 2019

P.C.

1. Heard learned counsel for the Applicant and the learned APP for the State.
2. The Applicant is apprehending his arrest in Crime No. 285 of 2019 registered with Dadar Police Station for the offences punishable under Sections 406, 420, 465, 467, 468, 471 r/w. 34 of the Indian Penal Code.
3. On 12th August, 2019, Suryakant Namdeo Khaire, filed a written complaint with the Senior Inspector of Police, Dadar Police Station. He alleged, the Applicant through one, Bharat Agavane, had promised allotment of a flat in the Scheme of Slum Redevelopment at Prabhadevi subject to

remuneration Rs.20 lacs: Complaint, thus paid Rs.1,00,000/- to Applicant, through RTGS and certain amount in cash.

4. It appears in effort to secure allotment of flat in the SRA Scheme, Mr. Kamble, manufactured following fake documents, in the name of complainant; viz,

- (i) Ration card No. SA 0030322
- (ii) Zopadpatti Identity Card- Pitch holders' card
- (iii) Electoral Roll- Voters' list.

5. The evidence shows that the Rationing Officer has reported the ration card bearing No. SA 0030322 was found forged. It is complainant's case that the aforesaid three documents were handed over to him by Mr. Kamble.

6. It appears, since neither the flat has been allotted nor the money has been repaid, the Complainant- Khaire lodged the FIR as aforesaid.

7. The Learned Sessions Judge after appreciating the material produced by the Complainant, declined to grant the anticipatory bail.

8. The learned counsel for the Applicant has filed the additional compilation of documents on record. He submits that the written complaint on basis of which the FIR has been registered, is materially different than the complaint which he has produced along with the additional documents. It may be stated that the complaint produced with compilation has been

addressed by the complainant, to Bhoiwada Police Station and it relates to irregularities and cheating by Bharat Agawane, an employee of Vaishya Cooperative Bank Ltd. The allegations in the complaint relates to the loan sanctioned by Vaishya Cooperative Bank Ltd. to the Complainant at the instance of Bharat Agawane, which has nothing to do with the case in hand. In fact there is a separate complaint filed by the complaint with Dadar Police Station on 12th August, 2019.

9. Attempt is made to show that there were some financial transactions between Kamble and the complainant and in support thereof, a bank statement has been produced along with the additional documents. It is submitted that in the year 2014, Rs.1,50,000/- were paid by the present Applicant to the complainant.

10. I have perused the complaint as well as the additional documents.

11. Prima facie there is evidence on record to show applicants' complicity in the crime alleged. Evidence suggest, Mr. Kamble has manufactured documents in the nature of the ration card and two more documents. There is a communication dated 4th November, 2019 addressed by the Rationing Officer to the Senior Inspector of Police, confirming that the ration card allegedly produced by Mr. Kamble, is the forged document. There is also a confirmation from the Chief Electoral Officer confirming the Electoral Roll allegedly produced by Kamble is forged one. Copies of these documents are

taken on record and marked X-1 for the purpose of identification.

12. The Applicant is an employee of the Municipal Corporation of Greater Mumbai. The allegations are of serious in nature. Further investigation is required as seal of Collector has been allegedly forged. In view of the facts of the case and the evidence placed on record, the anticipatory bail application is rejected.

13. It may be stated observations are prima facie and not conclusive.

[SANDEEP K. SHINDE, J.]