

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (ABA) No.401 of 2019
(Vishwanath Manikrao Karemore and another .vs. State of Maharashtra
through PSO PS Tumsar)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. A.M. Quazi, Advocate for Applicants
Mr. N.R. Rode, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 5, 2019.

The applicants herein have approached this Court seeking anticipatory bail apprehending arrest in respect of FIR dated 14.05.2019 registered against them and other accused persons for offences under Sections 419, 420, 468, 471 read with 34 of the IPC.

2. The allegation against the applicants and other accused persons is that they had created documents by fabrication and forgery pertaining to payment of cess to the Agricultural Produce Marketing Committee and that by doing so they had caused loss to the said Committee.

3. On 26.06.2019, notice was issued in this application and it was tagged along with four other applications. Later it was found that the applicants in the said four applications were arrested and, therefore, the said applications were disposed of as infructuous. It is informed by the learned counsel that the said other accused persons have now been enlarged on regular bail.

4. On this basis, it was submitted that the applicants herein be granted relief, particularly when they undertake to cooperate with the investigation.

5. On the other hand, the learned APP strongly opposed the present application, pointing out that rubber stamp and seals and other such material which was used by the applicants for fabricating documents, are yet to be recovered and further that the actions of the applicants herein had caused loss to the tune of Rs.7.38 Lakhs to the Committee and the penalty amount comes to about Rs.29.52 Lakhs. The other significant aspect pointed out in the reply filed by the non-applicant/State is that the applicants herein have criminal antecedents and there are two occasions on which in the years 2015 and 2018 similar offences have been registered against the applicants.

6. The material brought on record in the reply filed by the non-applicant/State clearly demonstrates that the applicants are repeat offenders and that they do not deserve any discretionary relief from this Court.

7. In view of the above, the present application is rejected.

JUDGE