

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.537 OF 2020

Premchand Kedarnath Mishra

Applicant

versus

The State of Maharashtra

Respondent

Mr.Anand V. Upadhyay for applicant.

Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th March 2020

PC :

1. This is an application for anticipatory bail in CR No.108 of 2020 registered with L.T.Marg Police Station, Mumbai, for offences under Sections 420, 465, 468, 471 r/w 34 of Indian Penal Code.

2. The FIR was lodged on 4th February 2020 by the officer of Mumbai Municipal Corporation. It is alleged that the contract for collecting parking charges in the subject area was earlier given to Vaibhavi Enterprises. Although the period stipulated in the contract has come to an end, the proprietor of Vaibhavi Enterprises had continued to collect parking charges from the area. On 26th February 2019 one person was allegedly found collecting the parking charges. He was apprehended on the spot. Subsequently inquiry was conducted and it was revealed that forged contract was utilized for collecting parking charges. Statement of complainant was thereafter recorded and on 4th February 2020 i.e. after a period of about one year, the FIR has been registered.

3. It is alleged that the applicant is the employee working with Vaibhavi Enterprises. However, it is pertinent to note that the case of

prosecution is that the contractor and proprietor of Vaibhavi Enterprises has forged the contract and pretended that the period of contract to collect parking charges is extended. Assuming that the applicant is the employee, however, it cannot be presumed that he had collected the amount knowingly that the document is forged. In any case, there is no evidence to show that at the relevant time the applicant was collecting parking charges. The FIR also alleges that in February-2019 one person was found collecting parking charges. It is not established that the applicant was the same person who was collecting the charges. The proprietor of Vaibhavi Enterprises Mr.Vinod Shukla has been arrested and granted bail.

4. In the circumstances, custodial interrogation of applicant is not necessary. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.537 of 2020 is allowed and disposed of;
- (ii) In the event of arrest of applicant in CR No.108 of 2020 registered with L.T.Marg Police Station, Mumbai, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall appear before Investigating Officer on 18th, 19th and 20th March 2020 between 11 am and 1 pm, and thereafter as and when called till filing of charge sheet.

(PRAKASH D. NAIK, J.)