

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

ANTICIPATORY BAIL APPLICATION NO. 576 OF 2021

Sanjay s/o Dattatray Thakre
Age : 60 years, Occu. Retired,
R/o. Plot No. 30, Gat No. 11/3-A,
Dandekarnagar, Pimprala, Tq. & Dist. Jalgaon.

...Applicant

Versus

1. The State of Maharashtra
through Police Inspector,
Jalgaon City Police Station,
Tq. & Dist. Jalgaon.
2. Manoj Atmaram Patil,
Age : 50 years, Occu. Service,
R/o. Plot No. 21, Ranchodnagar,
Near panchmukhi Hanuman Mandir,
Jalgaon, Tq. & Dist. Jalgaon.

...Respondents

.....
Mr. V. D. Salunke, Advocate h/f Mr. Mayur V. Salunke, Advocate for
the applicant
Mr. V. S. Badakh, APP for respondent/State
Mr. Vinod P. Patil, Advocate for respondent No. 2
.....

AND

ANTICIPATORY BAIL APPLICATION NO. 565 OF 2021

Vilas S/o Yadavrao Nerkar,
Age : 52 years, Occu. Service,
R/o. Plot No. 27, Vidyanagar,
Bhadgaon, Tq. Bhadgaon, Dist. Jalgaon.

...Applicant

Versus

1. The State of Maharashtra
through Police Inspector,
Jalgaon City Police Station,
Tq. & Dist. Jalgaon.
2. Manoj Atmaram Patil,
Age : 50 years, Occu. Service,
R/o. Plot No. 21, Ranchodnagar,
Near Panchmukhi Hanuman Mandir,
Jalgaon, Tq. & Dist. Jalgaon.

...**Respondents**

.....
Mr. V. D. Salunke, Advocate h/f Mr. Mayur V. Salunke, Advocate for
the applicant
Mr. V. S. Badakh, APP for respondent/State
Mr. Vinod P. Patil, Advocate for respondent No. 2
.....

CORAM : V. G. BISHT, J.

RESERVED ON : 23rd August, 2021
PRONOUNCED ON : 01st September, 2021

PER COURT : -

1. These are applications under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0031 of 2021, registered with Jalgaon City Police Station, District Jalgaon, for the offences punishable under Sections 420, 467, 468, 471, 474 r/w 34 of the Indian Penal Code.

2. It is the case of prosecution that the informant was the Director of Government Servant Cooperative Society, Main Branch

Jalgaon from 2015 to 2020 and thereafter, as President from 15th May, 2019 to 02nd February, 2021. While the applicant Vilas Yadavrao Nerkar was the President of the said Society, recruitment had taken place in the month of February-2019, in which 36 clerks and 27 peons were recruited. First appointment letters were signed by the applicant Vilas Yadavrao Nerkar in the capacity of President and same were countersigned by the Manager, namely, applicant - Sanjay Dattatray Thakre and Administrative Officer - Jaywant Sahebrao Salunkhe. The probation period of the said employees was completed on 19.08.2019 and, therefore, order to give regular pay scale to the clerks and peons came to be passed. However, one of the employee, namely, Vijay Prakashrao Patil was not granted regular pay scale and this fact was known to both the applicants.

3. The prosecution alleges that both the said applicants for the sake of wrongful gain passed an order of grant of regular pay scale in favour of Vijay Prakashrao Patil vide [जा.क./प्रशा/300/28](#) dated 19.08.2019, despite the fact that the said applicant Vilas Yadavrao Nerkar was not the President of the Society at the relevant time. As a result of which and on the basis of forged documents, Vijay Prakashrao Patil had drawn salary of trainee period for three months

and the employees, who have joined with him, are drawing regular pay scale with effect from 19.08.2019.

4. Mr. V. D. Salunke, learned Counsel for the applicants, submits that the Society after following due procedure had issued confirmation orders to all the 63 employees inclusive of Vijay Prakashrao Patil. The orders were signed by the President and the Administrative Officer on 19.08.2019. According to learned Counsel, said Vijay Prakashrao Patil was already at serial number 29 when his selection had taken place on 10.02.2019 and then invited my attention to Exh. 'F' having outward No. [जा.क./प्रशा/300](#) from where the names of recommended candidates started. At page no. 55 of the compilation in ABA No. 565/2021, the order of said Vijay Prakashrao Patil appears which has been issued vide outward No. [जा.क./प्रशा/300/28](#) dated 19th August, 2019. According to learned Counsel, the orders started with outward No. [जा.क./प्रशा/300](#) and the order pertaining to Vijay Prakashrao Patil bears the outward No. [जा.क./प्रशा/300/28](#). Learned Counsel also submitted that the order at page no. 55 relating to said Vijay Prakashrao Patil does not bear the signature of the applicant Vilas Yadavrao Nerkar.

5. Learned Counsel for the applicants lastly contended that the applicant Vilas Yadavrao Nerkar is a teacher by profession having good moral reputation in the society. The Investigating Officer has already seized the record which was available in the custody of the Administrator and, therefore, there is no necessity of the custodial interrogation.

6. Mr. V. S. Badakh, learned APP, on the other hand, would submit that both the applicants in collusion with each other forged the order pertaining to Vijay Prakashrao Patil. Having regard to the nature of allegations, the custodial interrogation is necessary.

7. Mr. Vinod P. Patil, learned Counsel for respondent No. 2, also opposed the submissions of the learned Counsel for the applicants and invited my attention to other orders wherein the informant had put his signature and then invited my attention to the order pertaining to said Vijay Prakashrao Patil and would submit that it was signed by the applicants Vilas Yadavrao Nerkar and countersigned by Sanjay Dattatray Thakre. There is clear cut difference between the signatures.

8. The specific allegation against the present applicant Vilas Yadavrao Nerkar is that he with the help of other applicant Sanjay Dattatray Thakre forged the order dated 19th August, 2019 having Outward No. [जा.क./प्रशा/300/28](#) pertaining to Vijay Prakashrao Patil thereby granting him regular pay scale in the capacity of President although on that day he was not the President of the Society. *Prima facie*, order pertaining to Vijay Prakashrao Patil dated 19th August, 2019 bears different signature than the signatures on the orders relating to the remaining candidates. Needless to say, in the light of the allegations, *prima facie*, there appears substance and that needs to be investigated thoroughly.

9. In view of above, I am of the opinion that the applicants have not been able to make out a *prima facie* case for consideration and, therefore, I am not inclined to allow the applications. In view of this, the following order is passed.

ORDER

The applications are rejected.

[V. G. BISHT]
JUDGE