

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

925 BAIL APPLICATION NO. 847 OF 2021

**BHARAT AATMARAO PATIL SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA**

Shri. Pralhad D. Bachate, Advocate for the applicant
Shri. S. D. Ghayal, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 21st September, 2021

PER COURT :-

1. Heard.
2. The applicant is working as Under Secretary in the Rural Development Department. An FIR is lodged by the Additional Chief Executive Officer, Zilla Parishad, Nandurbar alleging therein that a letter dated 19th January, 2018 was received mentioning therein that on the basis of forged letters, appointments were given. Therefore, Enquiry Committee was constituted. On the basis of the Enquiry Committee report it was clear that appointments were given on the basis of forged letters. As many as 31 persons were

given appointments on the basis of these forged letters. It is alleged that the applicant aided in giving the appointments to these people on forged letters.

3. During investigation role of the applicant was discerned. Applicant was therefore arrested on 17th February, 2021.

4. Learned counsel Shri. Bachate for the applicant submitted that the prosecution is alleging that appointments were given on the basis of forged letters to 31 persons. However, the original forged letter is not forthcoming. Only xerox copies of those letters are produced. On the basis of these xerox copies no offence can be said to be made out. He further submitted that the handwriting of the applicant was sent to the Handwriting Expert. The Handwriting Expert has given the opinion that no definite opinion can be given as the signature was scanned and that the original signature was not referred. There is no iota of evidence to indicate that the applicant has committed any offence.

5. Learned APP submitted that the applicant is working as Under Secretary. Other offences are also registered against him. Therefore, if the applicant is released on bail, he is likely to commit similar offences again.

6. Charge-sheet is filed. On perusal of the charge-sheet it appears that the letter alleged to be forged has not been seized. Xerox copies are collected by the prosecution. There is nothing on record to show that the applicant had issued these letters under his signature. The opinion of the Handwriting Expert shows that the signature was not original signature, but was a scanned signature. He has given the report that no definite opinion can be given about the alleged handwriting was of applicant. When a specific query was made to learned APP as to whether the applicant was the beneficiary of the alleged forgery, the learned APP replied that prosecution could not collect any evidence in that regard. Having regard to the nature of evidence collected by the prosecution, and the fact that the applicant is a Government servant and is not likely to flee from

justice, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount in connection with CR No. 33 of 2018 under Sections 464, 465, 468, 471, 420 read with Section 34 of the Indian Penal Code registered with Nandurbar City Police Station, Nandurbar and on condition that he shall not indulge in similar offences again.
3. Application is disposed of.
4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp