

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

ANTICIPATORY BAIL APPLICATION NO.34 OF 2021

Mr. Ghanshyam Jagannath Dayama Applicant
Versus
The State of Maharashtra Respondent

Mr. Chaitanya B. Nikte, Advocate for the Applicant.
Mrs. J.S. Lohokare, APP for the Respondent-State.
API Amol Kale, Band Garden Police Station, Pune is present.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th JANUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.385/2019 registered at Bund Garden Police Station, Pune City under Sections 420, 466, 468, 471, 167 read with 34 of the Indian Penal Code and under Sections 65 and 66 of the Information Technology Act, 2000.

2. The FIR is lodged by the Assistant RTO Mahesh Devakate. The FIR mentions about tampering of the record of

various vehicles. The FIR mentions seven vehicles which were Tourist vehicles and their registration was converted into those of private vehicles. The registration numbers for these Tourist vehicles were changed and the numbers allotted to private persons were given to these Tourist vehicles. This was done by unauthorizedly tampering with the record of the RTO office. The allegations in the FIR are that the work of maintaining that record was allotted to the present Applicant. The FIR mentions that this record was changed so that the fees for transfer of such vehicles from Tourist category to Private category were not required to be paid thereby causing loss to the Government.

3. Heard Shri Chaitanya B. Nikte, learned Counsel for the Applicant and Smt. J.S. Lohokare, learned APP for the State.

4. Learned Counsel for the Applicant submitted that the Applicant is a retired person and there were Assistants working under him, who could have also changed the record. He submitted that there is a possibility that some person could have hacked the system to change the record.

5. Learned Counsel for the Applicant submitted that the Applicant has suffered a major brain-stroke in the year 2016 and, therefore, his custodial interrogation will cause irreparable damage to his health.

6. Learned A.P.P. submitted that the offence is serious and at this stage there is sufficient reason to believe that only the Applicant has committed this offence. However, the investigating officer is present in the Court and he has not disputed that the Applicant has suffered brain stroke.

7. On instructions of the investigating officer, learned A.P.P. makes a categorical statement that if the Applicant cooperates with the investigation then there may not be any necessity of his arrest and custodial interrogation.

8. Considering this fair statement, I am inclined to protect the Applicant by way of order of anticipatory bail. *Prima facie*, it does appear that the password and login ID was with the Applicant and he could have changed the record. But considering his health condition, on humanitarian ground and

on the basis of the statement made by learned A.P.P, which I find is a reasonable statement considering the health condition of the Applicant, I am inclined to protect the Applicant by this order. It is made clear that if the Applicant does not cooperate with the investigation, this order can be cancelled.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.385/2019 registered with Bund Garden Police Station, Pune City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station as and when called and he shall cooperate with the investigation.
- (iii) The investigating agency is at liberty to move this Court for cancellation of this order in case the Applicant does not

cooperate with the investigation.

(iv) It is clarified that this order is passed only taking into account the health condition of the Applicant.

(v) Anticipatory Bail Application stands disposed of accordingly.

Pradeepkumar
P. Deshmane

Digitally signed by
Pradeepkumar P.
Deshmane
Date: 2021.01.14
17:33:09 +0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)