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

**ANTICIPATORY BAIL APPLICATION NO. 563 OF 2021**

Dayanand Jeevan Malage .... Applicant

Versus

The State of Maharashtra .... Respondent

Mr. D.V. Sawant i/b S.B. Ghadage, for the applicant.
Mr. H.J. Dedhia, APP for the State/Respondent.

**CORAM :SARANG V. KOTWAL, J.**
**DATE : 1st March, 2021**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 75 of 2021 registered at Pimpri Police Station, Pune, on 26/1/2021 under sections 420, 465,467,468 and 471 of the Indian Penal Code.

2. Heard Mr. D.V. Sawant learned counsel for the applicant and Mr H.J. Dedhia, learned APP for the State.

3. The FIR is lodged by one Rameshkumar Joshi.

He is attached to Pimpri Municipal Corporation as an Auditor since 2011. The FIR is in respect of certain bank guarantees which were submitted by the applicant by way of security when he was awarded tenders for completing different jobs. In the inquiry and audit it was revealed that all those 21 bank guarantees were forged. They were purportedly issued by Bank of Maharashtra, Rajguru Nagar Branch and Punjab National Bank, Nanapeth, Pune. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that it is a question of only 5 tenders in respect which bank guarantees were issued. Those 5 tenders are pertaining to about Rs. 2.88 crores. According to Learned Counsel for the applicant, the applicant's money worth about 6 crores is lying with the Municipal Corporation and therefore this amount of Rs. 2.88 crores can be adjusted against that. He further submitted that the applicant has not forged those bank guarantees and it would be injustice to him if he is arrested on these allegations.

5. Learned APP opposed this application. He submitted that as many as 21 bank guarantees are forged totaling Rs. 09,44,12,000/-. He submitted that the investigation has revealed that neither of these two banks have issued those bank guarantees. Those were specifically submitted to the Corporation in respect of tenders awarded to the applicant.

6. I have considered these submissions. At this stage, there is hardly any defence available to the present applicant. The investigation revealed that the bank guarantees were forged. They were used by the present applicant in getting the tenders from the Municipal Corporation. The amount involved is huge. The applicant has raised a defence that he himself has not actually signed those bank guarantees but it is obvious that they were submitted by him for his benefit for taking work from the Municipal Corporation. He is the sole beneficiary of the fraud. Therefore, his custodial interrogation is absolutely necessary. Learned Counsel for

the applicant relied on some orders passed by the Sessions Court. I have independently examined this case and I find his custodial interrogation is necessary. No case for anticipatory bail is made out.

7. The application is rejected.

**(SARANG V. KOTWAL, J.)**