

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

ANTICIPATORY BAIL APPLICATION NO.1348 OF 2021

- 1) Satyanna Bhimayya Kashtti; and
- 2) Narayana Yellappa Yemula .. Applicants

Versus

State of Maharashtra .. Respondent

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Mr.Chetan Akekar, Advocate for the Applicants.
Mr.S.R. Agarkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 14, 2021.

P.C. :

The applicant is apprehending arrest in connection with C.R.No.306 of 2018, registered with Mulund Police Station, Mumbai, for the offences punishable under Sections 465, 468, 471 and 420 read with 34 of Indian Penal Code (“IPC”, for short).

2 The informant has alleged that he is working as medical superintendent at the hospital which implements Employees State Insurance Scheme. The accused were working as pharmacists in the said hospital during the period from 2011-

2017. All of them are involved in fabricating medical, prescriptions by overwriting and alterations. Inquiry committee was appointed, and, it was revealed that accused had forged the prescription of costly medicines causing huge loss of Rs.1 crore 62 lakhs. These facts were revealed while one of the employee Mr.Rajeshyam Boga had initiated proceedings for retirement benefits. Applicant no.1 had retired from the hospital on 31st August, 2015, and, applicant no.2 had retired on 30th September, 2021.

3 Learned counsel for the applicant submitted that the applicants are falsely implicated in this case. There is no evidence to support allegation of fabrication of documents against the applicant. They are retired in 2015. The alleged misappropriation which was for the period from 2015 - 2017.

4 Learned APP submitted that both the applicants were working as chemist. They have participated in the crime. Huge loss is caused to complainant.

5 The allegation against the applicant is vague. They have retired in 2018. FIR is lodged in the year 2018. The say filed by the prosecution indicate that the applicants were interrogated and their statements were recorded. "Say" filed before the

Sessions Court by the investigating officer does not assign any role to the applicant and reason for custodial interrogation. The other accused, who were named in the FIR and whose involvement was disclosed subsequently, are granted anticipatory bail. Dr.Amey Kanade and Mr.Rajesham Boga, were granted anticipatory bail by the Sessions Court vide order dated 3rd August, 2021. Mr.Shrihari Dontula and Mr.Janardhan Rampally, who were also named in the FIR and similar allegations were attributed to them, were granted anticipatory bail by the Sessions Court by order dated 3rd August, 2021. The applicants are granted interim protection by this Court vide order dated 14th June, 2021. The same needs to confirm.

6 Considering the factual aspects, the applicants need not be subjected to custodial interrogation.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.1348 of 2021, is allowed;

- (ii) In the event of arrest of applicants in connection with C.R.No.306 OF 2018, registered with Mulund Police Station, Mumbai, the applicants be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/-, each with one or more sureties in the like amount;
- (iii) The applicants shall appear before the investigating officer once in 15 days on Wednesday between 11:0 a.m. to 01:00 p.m.;
- (iv) Anticipatory Bail Application No.1348 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)