

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1439 OF 2021

Shashikant Pandit Patil	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Viresh V. Purwant, Advocate for the Applicant.
Smt. J.S. Lohokare, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st JUNE, 2021
[Through Video Conferencing]

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.93/2021 registered at Walsang Police Station, Solapur under Sections 409, 467, 468, 471 read with 34 of the Indian Penal Code.
2. Heard Shri Viresh Purwant, learned Counsel for the Applicant and Smt. J.S. Lohokare, learned APP for the

State.

3. The FIR is lodged by one Chandrakant Patil, who was working as Gramsevak of Aherwadi, Solapur, since February, 2020. The applicant's mother was Sarpanch of that Grampanchayat since 2017. The informant had deposited Rs.43,000/- which was from the collection of taxes. The amount was deposited in a savings account of the Grampanchayat held with Aherwadi branch of Bank of India. There were two cheque books. One was kept with the informant and the other was kept with the applicant's mother as Sarpanch. The applicant's mother should have ideally kept it in the office but she had kept it with herself. In February, 2021, the informant wanted to make a payment to a mechanic for repairing submerged pumps used for water supply. He came to know that there was hardly any amount left in the Grampanchayat account. He came to know that on 12.2.2021 one Shavarsidha Shavari had removed Rs.40,000/- vide cheque No.4273. The informant made further enquiries. He saw the photo-copy of the cheque in question. He saw that his

signature was forged. The Sarpanch, applicant and Shavarsidha Shavari did not give proper explanation and, therefore, he lodged his FIR.

4. Learned counsel for the applicant submitted that the main accused Shavarsidha Shavari who had received Rs.40,000/- under that cheque was granted bail by this Court (Coram: Nitin W. Sambre, J.) vide order dated 24.5.2021 passed in ABA No.1277/2021.

5. Shri Purwant submitted that the applicant has nothing to do with the offence and in any case as the said order mentions, the amount in question is already deposited. Shri Purwant invited my attention to the receipt dated 3.4.2021.

6. Learned A.P.P. opposed this application and submitted that the forgery of the signature is obvious and, therefore, the matter requires investigation.

7. I have considered these submissions. As mentioned in the FIR, the applicant is one of the suspects but

it cannot be with certainty inferred that the applicant is the only person who can commit the forgery. Therefore, if he has not done it, then he will suffer irreparable loss, if arrested. It would be sufficient in the facts of this case if the applicant attends the police station, gives specimen handwriting and cooperates with the investigation.

8. The significant factor is that the amount has now come back and the Grampanchayat has not suffered any loss.

9. Significantly, the main beneficiary Shavarsidha Shavari is also granted anticipatory bail. Therefore, that factor also needs to be taken into consideration.

10. Therefore, the investigation can go on and if found guilty the applicant can even be punished, but, at this stage, he can be protected by order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with
C.R.No.93/2021 registered with Walsang

Police Station, Solapur, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty 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 shall cooperate with the investigation. The applicant shall give his specimen handwriting and signatures and shall cooperate with the investigation fully.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)