

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1021 OF 2019

Nitin Shivdas Sidankar

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kuldeep S. Patil for applicant.

Mr.S.R.Agarkar, APP, for State.

Mr.A.M.Tavre, Police Naik, Vadgaon Maval Police Station, Pune Rural,
present.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th July 2021

PC :

1. This is an application for anticipatory bail in CR No.I-500 of 2018 registered with Vadgaon Maval Police Station for offences under Sections 420, 465, 468, 474, 120-B of Indian Penal Code.

2. The case of prosecution is that the complainant was induced to execute sale deed which was registered in Sub-Registrar office. The first informant was made to sign on the last page. Registration procedure was not completed and one of the executant of the sale deed did not wait to complete the registration. Subsequently first informant came to know that there was tampering with contents of sale deed. The applicant was allegedly working as Data Entry Operator in the Sub Registrar Office and he had changed the contents of sale deed.

3. The applicant had preferred application for anticipatory bail before Sessions Court. The said application was rejected vide order dated 17th April 2019.

4. The primary contention of applicant is that during relevant time the applicant was not working in the office of Sub Registrar. Learned counsel for applicant submitted that charge sheet is filed against arrested accused and documents annexed to the charge sheet itself show that during relevant period the applicant was not working as computer operator in the concerned office. He pointed out the letter dated 23rd September 2019 issued by Police Inspector to the Sub Registrar mentioning that office of Sub Registrar had intimated that applicant was not working as Computer Operator in office of Sub Registrar from 15th July 2015 to 23rd October 2018. The letter dated 23rd August 2019 forwarded to Police Inspector, Vadgaon Maval mentions the aforesaid fact.

5. Learned APP submitted that during the course of investigation statements of two witnesses who were working with Sub Registrar, were recorded and they have stated that applicant was working during the relevant period in the said office. Learned Sessions Judge while rejecting the application for anticipatory bail, has observed that case diary makes a reference to the fact that applicant was working on contractual basis. However, it is pertinent to note that documents which form part of charge sheet, itself indicate that applicant was not working at the relevant time in the office of Sub Registrar. Although two witnesses referred to above have stated that applicant was working in the office but no documents is on record to substantiate the said fact. Even otherwise, the prime role was attributed to the co-accused. About ten accused are arrested and charge sheet has been filed against them. The applicant was granted interim protection vide order dated 8th May 2019. The application was again heard on 4th June 2019 and interim relief was continued.

6. Considering the aforesaid circumstances, the applicant need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail application is allowed and disposed of;
- (ii) Interim order dated 8th May 2019 is confirmed;
- (iii) In the event of arrest of applicant in connection with CR No.I-500 of 2018 registered with Vadgaon Maval Police Station, District Pune, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iv) The applicant shall appear before Investigating Officer as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST