

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

ANTICIPATORY BAIL APPLICATION NO.1068 OF 2020

Raghunath Prabhakar Patil

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....

Mr.N.N. Gavankar, Advocate i/b. Mr.Manas Gavankar, Advocate
for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 11, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.197 of 2020, registered with Aazad Maidan Police Station, Mumbai, for the offences punishable under Sections 418, 419, 420 and 500 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 14th October, 2020.

Digitally
signed by
RajeP. Aher
Date:
2021.01.13
13:52:30
+0530

**RajeP.
Aher**

2 Applicant preferred an application for anticipatory bail before the Sessions Court. Initially, interim protection was granted to the applicant, however, vide order dated 15th December, 2020, the application was rejected.

3 The case of the prosecution is that the complainant had filed a complaint against the applicant with the office of Additional Police Commissioner South Region and the same was forwarded to Aazad Maidan Police Station, Mumbai, for inquiry. The complainant is working as police constable since 1st April, 2000. Applicant is cousin of complainant. He is employed as police constable. There is property dispute between both parties and the applicant filed suit before Civil Court. The applicant filed complaints against complainant and his brother. In one of the complaint the applicant had attached bank statement of complainant. On inquiry complainant was informed that the bank has given statement to applicant. It was revealed that applicant visited bank in uniform and obtained bank statement.

4 It is not disputed that the applicant is working in police department. The bank statement was sought from the bank. There was no impersonation. The applicant did not use any forged documents to get the bank statement.

5 Learned counsel for the applicant submitted that during the course of inquiry, the applicant has handed over the original bank statement to the investigating officer. Learned

Sessions Judge has rejected the application for anticipatory bail on the ground that the original bank statement has to be obtained from the applicant.

6 Learned APP submitted that the investigation is in progress. On instructions from the officer who is present in Court, it is submitted that the original bank statement has been handed over by the applicant. In view of the above circumstances, custodial interrogation of the applicant is not called for. Hence, case for granting anticipatory bail is made out.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.1068 of 2020, is allowed;
- (ii) In the event of arrest of applicant in connection with C.R.No.197 of 2020, registered with Aazad Maidan Police Station, Mumbai, the applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall attend the investigating officer as and when called for and shall co-operate the investigation;
- (iv) Anticipatory Bail Application No.1068 of 2020, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)