

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

ANTICIPATORY BAIL APPLICATION NO. 2230 OF 2021

Nagesh Laxman Pawar ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Tariq Khan, Advocate for the Applicant.

Mr. R. M. Pethe, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 28th SEPTEMBER, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 515 of 2021 registered with Kurla Police Station, Mumbai for offences under Sections 419, 420, 465, 467, 468, 471 & 120-B of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that the complainant is employee of Municipal Corporation, Mumbai. She is working in department of Solid Waste as Administrative Officer. She has stated that generally on the basis of compassionate appointment are made in certain eventualities. Such scheme is also applicable to children of the staff who take voluntary retirement. In 2017-2019,

23 employees were appointed on the basis of fabricated documents. The commissioner directed Deputy Commissioner to hold enquiry in the matter. Thereafter, the inquiry was conducted and report was submitted. On the basis of enquiry report directions were given to lodge the First Information Report (for short 'FIR') against concerned persons. It is alleged that 23 temporary employees on daily-wages were given appointment without making any scrutiny of their documents. The names of those persons are reflected in FIR. In connivance with the accused, 23 persons got appointed who were appointed. Primary inquiry revealed involvement of staff of BMC.

3. The applicant had moved an application for anticipatory bail before the Sessions Court. It was rejected.

4. Learned Advocate for the applicant submitted that there is no involvement of the applicant in the crime. No departmental inquiry was conducted against him. There was no previous complaints against the applicant. The inquiry was being conducted since last two years. The applicant is not the employee of L-Ward. Custodial interrogation of the applicant is not necessary. Departmental inquiry was conducted against other persons. He is employee of Corporation. The inquiry is conducted since last two

years. Nothing is required to be recovered or investigated from the applicant.

5. Learned APP submitted that there is sufficient evidence to show the complicity of the applicant. The accused were involved in fabricating the documents for appointing 23 persons. The appointment documents of genuine persons were used for fake appointment. He pointed out the genuine list of 23 persons and the fabricated list. He also pointed out the documents relating to the appointment of the persons, who were appointed on the basis of fabricated documents. He produced the investigation papers for perusal of the Court. Statements of the witnesses recorded during investigation were produced. Learned APP submitted that the statements disclose the involvement of the applicant and parting of amount for appointments.

6. I have perused all the documents annexed to the application as well investigation papers. 23 persons were appointed on the basis of fabricated appointment letters by utilizing appointment numbers of genuine members reflected on their appointment letters. The documents were fabricated. Statement recorded during the course of investigation discloses the complicity of the applicant. The statement shows amount parted to

applicant and others for fake appointment. Hence, this is not the fit case to grant anticipatory bail.

ORDER

Anticipatory Bail Application No. 2230 of 2021 is rejected and disposed of accordingly;

(PRAKASH D. NAIK, J.)