IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1796 OF 2019

Ravindra Narharipant Kotamkar .... Applicant

Versus

The State of Maharashtra .... Respondent

Mr. Ghanshyam Puadhyay i/b. Law Juris for Applicant.
Smt. Anamika Malhotra, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JULY, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 343 of 2017 registered at M.R.A. Marg Police Station, Mumbai, on 11/12/2017, under sections 465, 467, 468, 471 and 420 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Ghanshyam Upadhyay, learned counsel for the applicant and Smt. Anamika Malhotra, learned APP for the State.

3. The First Information Report (for short 'F.I.R.) is

lodged by one Sanjay Chauhan who was working with the Government of Maharashtra. His office was verifying the applications made by various news paper owners for publishing Government Advertisements. For that purpose, the news paper owners were required to furnish various documents. Those documents were verified, they were placed before the concerned standing committee and then permission was granted to take those news papers on the list. Those news papers were given Government advertisements.

4. In the present case, in the year 2011, the applicant had made an application for bringing his news paper on the list for taking government advertisements. He had submitted his printing orders, the bills and documentary evidence showing payment of such bills, list of transporters, their bills, receipts etc. Accordingly, on 16/03/2012 his news paper was enlisted for giving Government advertisements. His daily circulation was of 3000 copies. In 2016 the Income Tax department informed the informant's office that the documents tendered by the applicant were forged documents. Pursuant to that letter, the applicant's

news paper's name was removed from the list on 13/01/2017. On this basis the F.I.R. is lodged. The F.I.R. mentions various documents and bills which the applicant had submitted and which turned out to be forged bills and other documents.

5. Learned counsel for the applicant submitted that the allegations are false. The documents and bills are genuine and his news paper was enlisted only after verification of those documents. Therefore, it would not be proper to make allegations in respect of those documents.

6. Learned APP opposed this application by relying on the affidavit filed by the I.O. It is mentioned in the affidavit that, they had recorded statement of witness Yashwant Zade who had produced copies of forged bills, agreements etc. He had stated that the applicant had intimidated some institutions and other people by threatening to publish news articles against them in his newspaper. The I.O. had entered into correspondence with the Government offices like R.T.O. at Yavatmal and Jalgaon. It is alleged that the applicant had criminal antecedents from the year 2008 to 2013. It is mentioned that the applicant had not remained

present before the investigating agency. The transportation bills were also forged.

7. I have considered these submissions. At this stage, it would not be proper to record any finding on the evidence collected by the investigating agency against the present applicant. I am mainly taking into account the fact that the offence pertains to submission of bills and other documents in the year 2011. Almost 10 years have passed. After such a long period, I really do not see any necessity of custodial interrogation of the applicant. The investigation mainly consists of documentary evidence which the investigating agency already has collected. The documents pertain to the period which dates back 10 years from today. At the first instance, the Government had verified those documents and then only the applicant's news paper was enlisted. Subsequently, a dispute is raised about its genuineness. That would also be a matter of trial. Therefore, mainly on the ground that the offence pertains to the year 2011 and the applicant is on interim protection since August, 2019, I am inclined to protect the applicant by way of anticipatory bail order. The applicant will of

course have to co-operate with the investigation because it is still in progress and the charge-sheet is not yet filed.

8. Hence, the following order :

ORDER

(i) In the event of his arrest in connection with C.R.No. 343 of 2017 registered at M.R.A. Marg Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing P. R. 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.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)