

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2089 OF 2019

Raghavendra Shripatrao Joshi ..Applicant
Vs.
The State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION NO.804 OF 2019
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2089 OF 2019**

Neela Manoharlal Gupta ..Applicant

IN THE MATTER BETWEEN

Raghavendra Shripatrao Joshi ..Applicant
Vs.
The State of Maharashtra ..Respondent

Mr.Abhishek Kulkarni for the Applicant.
Mr.S.R. Agarkar, APP, for the Respondent-State.
None for the Applicant in IA No.804 of 2019.

CORAM : C.V. BHADANG, J.

DATE : 29 NOVEMBER 2021

P.C.

. I have heard learned counsel for the Applicant and the
learned Additional Public Prosecutor. None appears for the

complainant-Intervenor. There was no appearance on her behalf even on the last occasion.

2. By this application the applicant, apprehending arrest in connection with the investigation of Crime No.265 of 2019 of Vishrantwadi Police Station, Pune under Section 420, 409, 465, 467, 468, 471, 384, 387, 120B read with Section 109 of the Indian Penal Code is seeking anticipatory bail.

3. The record discloses that the applicant was granted interim protection on 25 September 2019 and the same is operating till today. The said offence is registered at the instance of the intervenor Neela Gupta who is an ex-Chairman of the Rashmi Education Society. According to the complainant the applicant, who now claims to have been elected as a Chairman of the Society, had forged the relevant resolutions and created a bogus record about the election. The record discloses that the Investigating Officer after completion of the investigation has filed a charge-sheet before the learned Magistrate at Khadaki, Pune.

4. There is an intervening development which is required to be noticed. The applicant upon filing of the charge-sheet appeared before the learned Magistrate and sought leave to surrender and also requested for grant of bail pointing out that this

Court has granted interim protection in his favour. The learned Magistrate by an order dated 26 November 2020 took the applicant in custody and granted regular bail to the applicant.

5. It is necessary to note that prior to this, the Investigating Officer had already formally arrested the applicant and he was released on bail on the basis of the interim order passed by this Court.

6. Be that as it may this Court (Sarang V. Kotwal, J.) after noticing the fact that the learned Magistrate had released the applicant on regular bail although the application was still pending before this Court, by an order dated 23 February 2021 directed the Magistrate to take corrective measures in accordance with law. The learned Magistrate has sent a report dated 17 March 2021 stating that the regular bail has been cancelled.

7. The perusal of the order dated 23 February 2021 does not show that the applicant was at fault, as the applicant had pointed out to the learned Magistrate that he was granted an interim protection only.

8. Today the learned counsel for the applicant has pointed out that the applicant Raghavendra Joshi along with Mr.Vijay Patil

had filed a change report before the learned Assistant Charity Commissioner, Pune being change report No.851 of 2018. He pointed out that by a judgment and order dated 29 June 2021 the change report has been accepted by the learned Assistant Charity Commissioner. It is necessary to note that the judgment dated 29 June 2021 shows that the said order accepting the change report has been passed upon hearing the complainant.

9. The learned counsel for the applicant in all fairness pointed out that the said judgment is subject matter of Appeal, at the instance of the complaint before the Joint Charity Commissioner, Pune.

10. I have considered the circumstances and the submissions made. *Prima facie* it appears that the allegations are about applicant having prepared false and forged record claiming that he has been elected as a Chairman of the society. The dispute is essentially about the election of the applicant as a Chairman of the Society, in respect of which, at this stage, the change report appears to have been accepted by the Assistant Charity Commissioner.

11. The Investigation is stated to be complete and the charge-sheet is filed.

12. The interim protection is operating from 25 September 2019. In that view of the matter, the application is allowed in terms of the order dated 25 September 2019. The applicant shall not tamper with the prosecution evidence or witnesses. It is made clear that this Court has not expressed any opinion on the merits of the order accepting the change report.

13. The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.