

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

ANTICIPATORY BAIL APPLICATION NO. 2123 OF 2019

Ashok Dayaram Sakpal .. Applicant
V/s.

The State of Maharashtra ..Respondent

Mr. Sunny Waskar for the Applicant.

Mr. Yogesh Dabake, APP for the Respondent/State.

PSI Appaso Kisave, attached to Goregaon Police Station.

CORAM : C.V. BHADANG, J.

DATE : 18 NOVEMBER, 2021

PC.

1. The Applicant, apprehending his arrest in connection with the investigation of Crime No. 743 of 2018 registered with Goregaon Police Station, Mumbai under Section 420, 465, 468, 471 of I.P.C. read with Section 3 and 6 of the Indian Passports Act, is seeking pre-arrest bail.

2. The applicant was working as a clerk in Bombay Municipal Corporation and has since retired. The allegation is that the applicant had prepared a forged birth certificate in order to enable

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one of the co-accused, who is a Bangladeshi National to apply for passport.

3. According to the learned counsel for the applicant, the applicant in his capacity as a clerk was not authorised to issue a birth certificate. It is the Medical Health Officer who is authorised to issue such birth certificate. The learned counsel for the applicant pointed out page 76 of the compilation, which is a letter issued by the Medical Health Officer which indicates that there was some issue of the computer in which the birth certificate was generated and password was accessible to all. It is pointed out that the Medical Health Officer has found that the applicant had no role in the matter.

4. The learned APP has submitted that the applicant as an employee of the Corporation is found to be responsible for issuance of the said birth certificate. However, it is pointed out that the investigation is complete and a chargesheet is filed against the co-accused on 19.02.2019. Even so far as the present applicant is concerned, it is submitted that a supplementary chargesheet is prepared which cannot be filed, but for the pendency of the present application.

5. Considering the over all circumstances and prima facie, having regard to the fact that the investigation even so far as the present applicant is concerned, appears to be completed and supplementary charge sheet is prepared and further having regard to the fact that the interim protection is operating in favour of the applicant since 30.09.2019, the application is disposed of in terms of order dated 30.09.2019.

6. The applicant shall attend the Investigating Officer as and when required and shall co-operate with the investigating agency for further investigation, if any.

7. The applicant shall not tamper with the prosecution evidence/witnesses.

8. Criminal Application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)