

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.155 OF 2022

VIRAM @ VIKRAM VISHNUKANT RATHI
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. S. G. Ladda, Advocate for applicant.
Mr. V. M. Kagne, APP for the respondent – State.

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 04.03.2022

ORDER :-

. The applicant is apprehending his arrest in connection with Crime No.16 of 2022 registered with Kotwali Police Station, Dist. Ahmednagar for the offences punishable under Sections 420, 464, 465, 468, 471, 472 of Indian Penal Code.

2. Heard learned Advocate Mr. S. G. Ladda for the applicant and learned APP Mr. V. M. Kagne for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions. Further, the learned APP submitted that it is transpiring in the investigation that the applicant had forged the certificate that he is differently abled person on 28.08.2013. That means, on that day, he was 13 years old and, therefore, he would be

then juvenile in conflict with law.

3. Perusal of the First Information Report would show that it has been lodged by one Dinkar Bhaurao Nathe working with Social Welfare Office, Zilla Parishad, Ahmednagar, who was assigned with the duty of verification of the documents produced by differently abled persons having disability of more than 40% and to issue identity cards to such persons for getting concessions in travel from the M.S.R.T.C. buses. He says that in all four persons had given applications along with certificates issued by Civil Surgeon, Ahmednagar about disability of more than 40%. When the informant was on his duty at about 11.00 a.m. on 02.05.2018, he found something suspicious about the same and, therefore, he made inquiry with the office of Civil Surgeon, Ahmednagar, as to whether such certificate has been issued by that office or not. He received reply that no such certificate has been issued. Then he made communication to the competent authority-cum-Commissioner, Social Welfare Department, Government of Maharashtra and then he had received the order that offence should be registered against those persons.

4. At this stage, it can be seen that he has not given those details, as to when he received those orders from the competent authority to lodge

the report. What is transpiring is that the alleged offence was disclosed to him on 02.05.2018. Taking into consideration column No.3 of the First Information Report it says that the occurrence of offence is of dated 02.01.2022 and the First Information Report came to be lodged on 07.01.2022. The police papers would show that the order was passed by the Competent Authority-cum-Commissioner, Differently Abled Welfare Commissionerate, State of Maharashtra, Pune on 29.10.2021. Still, as aforesaid, the FIR came to be lodged on 07.01.2022. It shows apparent delay on the part of the informant. It appears that the applicant had remained present before the Investigating Officer in view of the directions given by this Court and had submitted certain documents. It shows that he is cooperating with the investigation. Now, nothing is required to be seized from him and, therefore, the interim protection granted earlier by this Court on 17.02.2022 deserves to be confirmed. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) The ad-interim protection granted earlier by this Court to the applicant vide order dated 17.02.2022 stands confirmed and made absolute. In other words, in the event of arrest of applicant – Viram @ Vikram Vishnukant Rathi, in connection with Crime

No.16 of 2022 registered with Kotwali Police Station, Dist. Ahmednagar for the offences punishable under Sections 420, 464, 465, 468, 471, 472 of Indian Penal Code, he be released on P. R. Bond of Rs.30,000/- with two solvent sureties of Rs.15,000/- each, if not already released.

III) Applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.

IV) He should cooperate with the investigation and shall attend Kotwali Police Station, Dist. Ahmednagar, on every Sunday between 11.00 a.m. to 2.00 p.m., till filing of charge-sheet.

[SMT. VIBHA KANKANWADI, J.]

scm