

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO.807 OF 2022**

VILAS SITARAM DEHADE ..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA ..RESPONDENT

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Mr. D. S. Ingole h/f Mr. Nilesh S. Ghanekar,
Advocate for the Applicant.
Mr. K. S. Patil, APP for Respondents-State.
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CORAM : S. G. MEHARE, J.

DATED : 29th JULY, 2022.

PER COURT:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was the Clerk registered with Advocate Mr. A. T. Ingle in District and Sessions Court, Aurangabad. The Superintendent of the District and Sessions Court, Aurangabad lodged a report alleging that the accused appeared before her as surety for an accused. When surety was examined before Superintendent it was found genuine. However, it was produced before the Court, the Court suspected its genuineness. Therefore, a letter was sent to the office of the Tahsildar and Taluka Magistrate, Jalna. The Taluka Magistrate informed that, the solvency certificate which was attached with the surety bond was not issued by its office. Therefore, the crime is registered against the so called surety.

3. The applicant has apprehending of his arrest, since he had prepared the bail and surety bond.

4. The learned counsel for the applicant submits that, the applicant has merely prepared the papers and as a routine practice has placed it before the concerned officer. He had not brought a surety papers, more particularly, the solvency certificate. He did not introduce the so called surety. He believed on the papers produced before him and did the formality of preparing the papers. However, the false allegations have been leveled against the applicant that he had introduced or made the surety available to the accused. Therefore, he may be granted anticipatory bail.

5. The learned APP has opposed the application. He raised a strong objection to the plea taken by the applicant. He states that, there is evidence against the applicant that he had brought so called surety knowing well that he was not the genuine surety. It has also been transpired that the applicant demanded Rs.5000/- to make the surety available from the accused. He has placed on record the bail papers.

6. Perused the papers placed on record. It appears that, the applicant had responded to the notice under Section 41-A of the Code of Criminal Procedure. It has been alleged that the accused

did not co-operate with the investigation. Except these bare words, on which point he did not co-operate is not mentioned. The applicant was the Lawyer's Clerk in the Court. The Lawyers' Clerk normally prepare the bail bonds on the basis of the documents produced before them by the surety and the accused. The papers produced before the Clerk are normally believed. The applicant was also satisfied with the documents placed before him and hence, he might have prepared the surety bonds. Though the bonds are prepared by the Clerk, the genuineness of the documents and the surety is subject to the verification by the Superintendent and the Presiding Officer of the Court. Consider all these procedures, facts and the job of the applicant, this Court is of the view that, the custodial interrogation of the applicant may not be required. Hence, the application deserves to be allowed. Therefore, the following order:

ORDER

- a. The application is allowed.
- b. In the event of arrest, the applicant, Vilas Sitaram Dehade, be released on anticipatory bail, on executing P.B. and S.B. of Rs.15,000/- (Fifteen Thousand) with one solvent surety in the like amount in Crime No.51/2021, registered with Vedantnagar Police Station, Tq. Aurangabad, District Aurangabad for offences punishable under

Sections 420, 465, 468, 471 of the Indian Penal Code, on the condition that he shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S. G. MEHARE, J.)

Devendra/July-2022