

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

ANTICIPATORY BAIL APPLICATION NO.59 OF 2022

Sameer Khot Applicant

versus

State of Maharashtra Respondent

.....

- Sonal Parab i/b. Rajeev Sawant & Associates, Advocate for Applicant.
- Ms.Sharmila S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JANUARY 2022
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.57/2019 registered with Kherwadi Police Station, under sections 447, 465, 467, 468, 471, 420 r/w 34 of the Indian Penal Code.

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2. Heard Ms.Sonal Parab, learned counsel for the Applicant and Ms.Sharmila Kaushik, learned APP for the State.

3. The FIR is lodged by one Sudhir Umakant Chavan, who was working as Sub-Divisional officer, South Mumbai, PWD. He has stated that his department had received a letter authorizing him to register this FIR. Accordingly he made enquiries and he came to know that seven unknown persons had submitted certain documents for obtaining electricity connections. The enquiry was conducted by the informant. He came to know that the documents and in particular 'no objection certificate' used in obtaining electricity connections were all forged documents. Therefore the FIR is lodged against seven persons.
4. Learned counsel for the Applicant submitted that the Applicant is not named in the FIR. He is not one of the consumers. The allegations against him appear to be that he had acted as an agent in getting electricity connections to the consumers. His custody on this vague allegation is not necessary.
5. Learned APP opposed these allegations. She relied on the police report submitted to the Public Prosecutor's office from the investigating agency dated 07/01/2022. Copy of this report is taken on record and marked 'X' for identification.

6. The allegations against the present Applicant appear to be that he was instrumental in acting as co-ordinator between the agent Waghmare and the consumers. The documents were given by the consumers to the Applicant. He has forwarded those documents to agent Waghmare and thereafter the documents were submitted to electricity supplier company. Therefore the role attributed to him is that he assisted the consumers in getting in touch with the agent Waghmare. If the documents are forged, there is possibility that the consumers have forged them or agent Waghmare has forged them. At this stage, it is difficult to observe with reasonable certainty that the Applicant was the only person who had forged those documents. The offence is quite old. It was registered on 05/03/2019. Therefore after all these years in the background of these vague allegations, the Applicant's custodial interrogation will not be justified. Of course, he will have to attend the concerned police station and will have to co-operate with the investigation, by providing his specimen signatures and handwriting etc.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.57/2019 registered with Kherwadi Police Station, the Applicant is directed to be released on bail on his furnishing PR 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 on 02/02/2022, 03/02/2022 and 04/02/2022 between 01.00 to 05.00 p.m. and shall co-operate with the investigation, including giving specimen signatures and handwriting.
- (iii) In addition, the Applicant shall attend the concerned police station as and when called and shall co-operate with the investigation.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)