

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2393 OF 2021

NAGESH MANIK BANSODE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Ms.Sana Raees Khan i/b. Hulyalkar and Associates, Advocate for the Applicant.

Mr.H.J.Dedhia, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

**RESERVED ON : 13th DECEMBER 2021
PRONOUNCED ON : 20th JANUARY 2022**

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.468 of 2020 registered with Police Station Shivaji Nagar, for offences punishable under Section 419, 420, 467, 468, 471, 200 read with 34 of the Indian Penal Code (IPC).

AVK

1/5

2 It is the case of prosecution that on 22nd December 2020 the informant intercepted applicant at Gate No.4 of Shivaji Nagar Court, Pune, and it is alleged that the applicant was found in possession of bogus Aadhar Cards, Ration cards and rubber stamps, false identity cards, false payment slips and other documents in order to facilitate the surety in various offences by impersonation. Accordingly, First Information Report (FIR) came to be registered.

3 Ms.Sana Raees Khan, learned counsel for the applicant, submits that the co-accused, namely, Santosh Satish Gavali is already released on bail by the learned Additional Sessions Judge, Pune, and therefore, the ground of parity is available to the present applicant as well. Moreover, all the offences are triable by Judicial Magistrate First Class. The whole case of the prosecution is based on documentary evidence. In such circumstances, the custody of applicant is not necessary and he may be enlarged on bail.

4 Mr.H.J.Dedhia, learned APP, on the other hand, opposed the submissions by contending that the applicant was found in possession of various false and fabricated documents, namely, Aadhar Card, Ration card and other documents so as to use those documents in the release of accused in various serious offences. The offence in question is a serious one and if released on bail, the possibility of the applicant committing a similar offence cannot be ruled out.

5 Perused the investigation papers. I have also gone through the order of the learned Additional Sessions Judge, Pune, dated 18th May 2021, whereby co-accused Santosh Satish Gavali was released on bail. It is also not disputed that the whole case of prosecution is based on documentary evidence. The offences alleged to have been committed by the applicant and co-accused are triable by Judicial Magistrate First Class. It may be that the documents found in possession of the applicant were forged but the fact remains that the alleged offences are exclusively triable by Judicial Magistrate First Class.

6 Investigation is over. In such circumstances, further detention of the applicant is not desirable. As far as apprehension of the learned APP that repetition of the offence cannot be ruled out, stringent conditions can be imposed.

7 In view of above, I am inclined to allow the application. Hence, I pass the following order :

ORDER

- (i) Applicant – Nagesh Manik Bansode shall be released on bail in Crime No.468 of 2020 registered with Police Station Shivaji Nagar, on his executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in like amount.
- (ii) The applicant shall not tamper with prosecution evidence.
- (iii) The applicant shall not indulge in similar kind of activities in future.

- (iv) The applicant shall attend the concerned police station as and when called by the Investigating Officer till framing of the Charge.
- (v) Bail before the trial Court.
- (vi) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (vii) It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.
- (viii) The application is allowed in the aforesaid terms and stands disposed off accordingly.

(V. G. BISHT, J.)