

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2606 OF 2022**

Santosh Savlaram Kale .. Applicant
Versus
The State of Maharashtra & Anr. .. Respondents

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Mr.Kamlesh Ghumre with Mr.Sanket Patil i/b Ms.Sonali S. Jadhav for the Applicant.

Ms.A.A.Takalkar, A.P.P. for the State/Respondent.

Mr.Manoj R. Goud for the Intervenor.

Sr.P.I. Ravindra Patil, attached to NRI Police Station, Navi Mumbai, present.

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**CORAM: BHARATI DANGRE, J.
DATED : 23rd SEPTEMBER, 2022**

P.C:-

1. The applicant was served with a notice under Section 41A of Cr.P.C. and, accordingly, he has reported to the police station on 11 dates. According to the counsel for the applicant, he was made to attend the police station for almost 8 to 12 hours of a day.

2. When asked, what is the purpose for which the custody of the applicant is required, the Investigating Officer has

tendered a report dated 15/09/2022, where he states that the experience certificate, which was produced while submitting a tender for school articles in the academic years 2016-2017 and 2017-2018, is a forged document. When asked, whether the tender was allotted on the basis of the forged document, the answer is in the negative.

Learned A.P.P. relies upon the statement of one Ravi Madan, where he has made a statement that at the instance of Santosh Kale (present applicant), experience certificate was prepared on the letterhead of Dolly Corporation and submitted to the Education Department, which included a document of experience from Sri. Brahmanath Seva Mandal, Parunde, Taluka Junnar. He, however, makes a statement that this experience certificate was not given to him by Vimal Jain or his associates.

In any case, it can be seen that the tender was never allotted in favour of the applicant or the complainant and the procedure itself was dropped. I fail to understand why the custodial interrogation of the applicant is necessary. In any case, the custody of the applicant cannot be sought only for production of the document, which is in form of experience certificate, issued by Sri. Brahmanath Seva Mandal, which is

filed alongwith the tender document. But, since the tender process was never completed, the custodial interrogation is not at all necessary and let the applicant continue to co-operate with the Investigating Officer, by reporting him as and when called for.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.I-140 of 2018 registered with N.R.I. Sagari Police Station, Mumbai, applicant-Santosh Savlaram Kale shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall report to the concerned police station as and when called for.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)