

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2630 OF 2022

Suresh S/o Jairam Daberao ...Applicant
Versus
State Of Maharashtra ...Respondent

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Mr. Prashant D. Patil i/by Mr. Santosh C. Bhosale, Advocate for the Applicant.

Ms. P. N. Dabholkar, APP for the Respondent – State.

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CORAM : **PRAKASH D. NAIK, J.**
DATE : **17th OCTOBER, 2022.**

PER COURT:

1. The applicant is apprehending arrest in C.R. No.116 of 2022 registered with Nashik Road Police Station, Dist. Nashik for offences punishable under Sections 467, 468, 471 r/w Section 34 of Indian Penal Code (for short "IPC"). The First Information Report (for short 'FIR') was registered on 20.04.2022.

2. The case of the prosecution is that the conviction warrant of convicted persons refers to the sentences to be undergone by the convict. On the basis of contents of the conviction warrant and the entry is made in the register of jail. The column Nos.3 & 6 of the register is filled up. On the basis of entries if it is found that the convict have completed the sentence or entitled for set off, they are

released from jail. The register is in custody of jailer. The work of entries in the register are made by the concerned clerk. The Jail Officer found that there were discrepancies in the register on the basis of conviction warrant regarding period of sentence. The matter was placed before the Jail Officer for inquiry. Similar alteration in respect to convict Vilas Babu Shirke and Vyankat Ramlu Vyankattaya. The said persons were released on the basis of such discrepant entries in the register. It was also found that some pages of register were missing. The Jail Officers Shri.S.A. Gite and Shri.Madhav Kharge had allegedly signed the release forms. It is alleged that the applicant was the concerned senior clerk and he is also involved in altering the entries and thereby committing forgery.

3. The applicant had preferred an application for anticipatory bail before the Sessions Court which has been rejected by order dated 10.05.2022.

4. Learned Advocate for the applicant submitted that, inquiry was initiated against the applicant. He had made request for providing register Nos. 3, 6 & 4 by preferring application, however, the said documents were not provided to him. The applicant had no control over the register No.3. One of the convict was released

on 12.10.2017 and on that day the applicant was on leave. The applicant was working in Nashik Road Central Prison from June – 2017 to 11th November, 2021. Show cause notice has been issued to him. Reply was forwarded by him for giving explanation. The applicant is not concerned with the alleged fabricated entries. The applicant has been suspended. The report forwarded by the Superintendent to Additional D.G.P indicate that the signatures were made by the Jail Officers and not the applicant. One of the convict had admitted in inquiry that there were financial transaction with the co-accused. Thus, the applicant is not concerned with demand of any money or financial transaction for making alteration. The registers were not in custody of the applicant. The applicant need not be subjected to custodial interrogation.

5. Learned APP submitted that the offence is of serious nature. The applicant and the co-accused were involved in making alteration in the register. Investigation is in progress. The alterations were in respect to reducing the period of custody of the convicts. On the basis of such alterations, two persons were released before undergoing the sentence. The applicant was a senior clerk. The investigation revealed the role of applicant.

Some of the registers were missing from the jail. Thorough investigation required to be conducted. Learned APP placed for consideration investigation papers and submitted that custodial interrogation of the applicant is necessary.

6. I have perused the application, its annexures and investigation papers. The offence is of serious nature. The discrepancies in respect to the registers maintained in the jail regarding the sentence to be undergone by the convict were tampered. The discrepancies were noted in respect to three convicts. It is necessary to find out whether such similar acts are committed in respect to other accused. The applicant was a senior clerk in the jail. According to prosecution, the responsibility in respect to making entries of the register is of the applicant. During inquiry, the accused are suspended. After it came to light that there were alterations in the registers/conviction warrants on 27.01.2020. There was sufficient time to the accused and the documents were in their possession. The fabricated documents were in custody of the accused. The evidence relating to alterations in register No.6 are missing and they could not be traced. It was noticed that the page of register No.3 was torn. Alterations were also noticed in the conviction warrant. During

inquiry and the investigation, involvement of the applicant is disclosed.

7. Considering the nature of allegations of offence, no case is made out for grant of anticipatory bail.

ORDER

Anticipatory Bail Application No. 2630 of 2022 is rejected and disposed off accordingly.

(PRAKASH D. NAIK, J.)