

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

ANTICIPATORY BAIL APPLICATION NO. 3008 OF 2021

Devshala Laxman Salve ...Applicant

Versus

The State of Maharashtra ...Respondent

SANTOSH
SUBHASH
KULKARNI

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Mr. Shailesh Kharat, for the Applicant.

Mr. A. A. Palkar, APP for the State/Respondent.

Mr. Mohan Salvi, PSI, Khadki Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED: 29th JUNE, 2022

ORDER:-

1. This is an application for pre-arrest bail in connection with CR No.332 of 2021, registered with Khadki Police Station, Pune, for the offences punishable under Sections 419, 420, 467, 468, 471, 200, 108, 205 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").

2. An intimation was received at Khadki Police Station that a gang of persons, who were furnishing sureties to release the accused on bail on the basis of false and forged documents, was operating near Shivaji Nagar and Khadki Courts. A raid was conducted. Four persons namely; Mangesh Londhe, Sonu Shinde and Salim Shaikh were apprehended as their activities appeared suspicious. On the

personal search of the accused a number of documents like copies of Aadhar Card, Ration Card, Record of Right etc. were found. It transpired that those documents were being fraudulently used to get the accused released on bail. Hence, Mr. Vikas Jadhav, PSI, Anti Extortion Cell, Pune, lodged the report.

3. Apprehending arrest, the applicant preferred an application for pre-arrest bail. The learned Sessions Judge was persuaded to reject the application as the complicity of the applicant was revealed in the statements of the co-accused. Hence this application.

4. By an order dated 15th December, 2021, this Court was persuaded to grant interim pre-arrest bail.

5. I have heard Mr. Kharat, the learned Counsel for the applicant and Mr. Palkar, the learned APP, for the State. With the assistance of the learned Counsels, I have perused the material on record.

6. Mr. Kharat would urge that there is no credible material against the applicant and she has been roped in solely on the basis of the disclosure allegedly made by the co-accused that she assisted in preparing the documents, and stood surety to

the accused. The learned Counsel further submitted that in an identical crime, the applicant was arraigned and eventually police filed a report under Section 169 of the Code of Criminal Procedure, 1973 ("the Code"). It was submitted that the applicant was neither apprehended with any incriminating articles nor there is any material to show that the applicant had forged any of the documents.

7. Mr. Palkar, the learned APP, fairly submitted that apart from the disclosure made by the co-accused, there is no other material to support the complicity of the applicant. Mr. Palkar would, however, urge that the investigation has revealed that the applicant has been habitually standing as a surety.

8. On the perusal of the allegations in the First Information Report ("FIR") and the investigation papers, it becomes evident that the accusation against the applicant is principally based on the alleged disclosure made by the co-accused that the applicant is also a member of the gang. Such statement of the co-accused on its own, does not make out the imperativeness for the custodial interrogation of the applicant. The grievance of the prosecution that the applicant has been acting as a stock surety can be addressed

by the Court while verifying the suitability of the sureties with reference to the Surety Register, which is required to be maintained. The said allegation, in the absence of any other credible material, would not justify the custodial interrogation of the applicant. I am, therefore, inclined to allow the application.

9. Hence, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) The order of interim pre-arrest bail dated 15th December, 2021 is made absolute on the terms and conditions incorporated therein.
- (iii) The applicant shall mark her presence at Khadki Police Station on first Monday of every month in between 10.00 am. to 11.00 am., for the period of six months.
- (iv) The applicant shall not indulge in any activity like the one for which the applicant is arraigned in the instant case.

[N. J. JAMADAR, J.]