

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

ANTICIPATORY BAIL APPLICATION NO. 3359 OF 2022

Dr. Ashok Rupchand Mehata	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Samay Pawar i/b. Mr. Jaydeep Mane for the Applicant.
Mr. S.V. Gavand, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th MARCH, 2023.

P. C. :-

1. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant for pre-arrest bail in C.R.No.208/2022 registered with Kurduwadi Police Station, Solapur for offences punishable under sections 416, 417, 419, 420, 467, 468, 471 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Mangal Uttareshwar Satav, an Officer in Animal Husbandry

Department, Madha. It is alleged that Vaibhav Anantkavlas (accused no.1) obtained bogus disability certificate dated 22/07/2011 stating that his son Shreyas was suffering from schizophrenia. It is alleged that son of the accused no.1 – Shreyas Vaibhav Anantkavlas was born subsequently i.e., on 04/03/2014. It is further alleged that on the basis of false documents, the accused no.1 sought transfer from Animal Husbandry, Podgaon to Animal Husbandry, Madha. It is stated that at the relevant time, the Applicant was working as Medical Superintendent in the General Hospital, Solapur and he has countersigned the disability certificate.

4. It is not the case of the prosecution that the Applicant had prepared any false document. The only allegation against the Applicant is that, in the capacity of Medical Superintendent, he countersigned the certificate produced by the accused no.1. The Investigating Agency has obtained the original certificate. The records indicate that the Applicant has reported to the Investigating Officer in compliance with the condition of the order dated 21/02/2023. He has been interrogated and his presence is not required for further interrogation. The Applicant is stated to be 69 years of age and has retired from service.

5. Considering all these facts and circumstances and particularly the nature of the allegations as against this Applicant, in my considered view, this is a fit case to exercise powers under section 438 of Cr.P.C. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.208/2022 registered with Kurduwadi Police Station, Solapur, he shall be released on bail on furnishing bail bonds in the sum of Rs.15,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer ;

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers,

and/or change of residence or mobile details, if any, from time to time.

6. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)