

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 429 OF 2023

1. Ashwini D. Gund
2. Suraj D. Kedari
3. Sujata R. Thule
4. Farin M. Shaikh

...Applicants

V/s.

The State of Maharashtra

...Respondent.

Mr. Kamlesh Jain a/w. Mr. Sunil Wasnik i/b Mr. Sharad Goswami for the Applicant.

Mr. Amit Palkar, APP for the Respondent/State

Mr. Shailesh D. Chavan for the original complainant.

CORAM : N.R. BORKAR, J.
DATE : 10.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicants are apprehending their arrest in Crime No.233 of 2022 registered at Lonavala Rural Police Station, Pune Rural for the offences punishable under Sections 420, 465, 467,468,471, 120-B read with 34 of the Indian Penal Code.
3. The applicant No.1 is Sarpanch, the applicant No.2 is Up-Sarpanch and applicant Nos.3 and 4 are the Members of Grampanchayat, Kusgaon. The allegations against the applicants are of forgery. According to the prosecution, the applicants with ulterior motive had prepared forged resignation letter of first informant, who is a member of Grampanchayat, Kusgaon.

4. I have heard the learned counsel for the applicant and learned APP for the respondent/ State and the learned counsel for the complainant.

5. The learned counsel for the applicants submits that the applicants are involved in a false case due to political rivalry.

6. On the other hand, the learned APP in support of allegations has relied upon the minutes of the meeting dated 30 June 2022 recorded in proceeding book of Grampanchayat and statement of Grampanchayat Clerk Santosh Shelke and Gramsevak Namdev Chavan.

7. I have perused the minutes of meeting dated 30 June 2022 and statements of witnesses. From the material collected by the prosecution, *prima facie*, the applicant No.2 appears to have committed the alleged forgery. There is not enough material to connect applicant Nos.1, 3 and 4 with the alleged crime. Considering the facts and circumstances of the case, the following order is passed.

ORDER

A) The Anticipatory Bail Application is partly allowed.

B) The Application *qua* the applicant No.2 – Suraj Kedari is rejected.

C] In the event of arrest of **applicant Nos.1, 3 and 4** in C.R. No. 233 of 2022 registered at Lonavala Rural Police Station, Pune Rural for the offences punishable under Sections 420, 465, 467,468,471, 120-B read with 34 of the Indian Penal Code, they be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

D) The applicant Nos.1, 3 and 4 shall attend the concerned police station from 15 February 2023 to 17 February 2023 between 11:00 a.m. to 2:00 p.m. and shall cooperate in the investigation.

[N.R.BORKAR, J.]