

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

CRIMINAL BAIL APPLICATION NO. 576 OF 2023

Mr.Rajendrasinha Sopanrao Suryavanshi
Age : about 48 Years, Occupation : Business,
Residing at : Anavali, Taluka : Pandarpur,
District : Solapur. ...Applicant

vs.

The State of Maharashtra
(At the instance of the Satara City
Police Station, C.R. No. 188 of 2022). ...Respondent

Mr.Balwant Salukhe, Advocate for the Applicant.
Mr.Y.Y.Dabke – APP for the Respondent-State.
Mr.Rajendra S. Chaudhari – API – Satara City Police Station.

CORAM : S. M. MODAK, J.

DATE : 3rd MARCH, 2023

P. C. :-

1. Heard learned Advocate Shri.Balwant Salukhe for the Applicant and learned APP Shri.Y.Y.Dabke for the Respondent-State.
2. The contractor to whom a tender is sanctioned for erection of dam under Kalgaon – a small irrigation scheme at Satara, for justifying his work, has done manipulations in the record of the PWD

and that is why, he has been arrested in connection with C.R. No.188 of 2022 registered at Satara City Police Station. It was registered on the complaint of one Suresh Jagannath Hire - Executive Engineer. The offences are under Sections 420, 465, 466, 467, 468, 472 and 484 of the Indian Penal Code, 1860 [“IPC”].

3. Initially, he filed Anticipatory Bail Application, however not succeeded and finally, came to be arrested. He is not successful before the Court of Sessions – Satara and now, applies for regular bail from this Court.

4. Learned APP gave me papers for the purpose of perusal. Surprisingly, the Applicant took the measurement books from the Office for the purpose of the work relating to increase in rates. Some of them were returned whereas others were returned after long period. The Office realized that there were manipulations made in those measurement books. Even it was realized that the bank guarantee to the tune of Rs.7,25,00,000/- in the name of ICICI Bank was found to be forged.

5. During investigation, Police have recovered the relevant documents. Yet, charge-sheet is not filed. It is true that the offence is

based on documents. There are two view available. One is to deny him bail on the basis of documents collected during investigation. Second is to grant him bail just because the offence is based on documents.

6. I am inclined to opt for second option. The offences are Magistrate triable offences and time and again, the Hon'ble Supreme Court had given directions for decongestion of the jails. Even otherwise, one can not say when the trial will start, if he remained behind bar. As the case is based on documents, there are less chances of tampering. So, by imposing conditions, he can be admitted to bail. Hence, order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Rajendrasinha Sopanrao Suryawanshi be released on bail in connection with C.R. No.188 of 2022 registered with Satara City Police Station - Satara on furnishing personal bond and surety bond of Rs.25,000/-.
- (iii) Applicant to give attendance to Satara City Police Station on every Monday from 10.00 to 12.00 noon till filing of charge-sheet.
- (iv) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (v) In case of breach of any of the conditions, bail of the Applicant is liable to be cancelled after notice.

7. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.
8. Application is disposed of in the aforesaid terms.
9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]