

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 805 OF 2021**

Ashok Kondaji Dudhare

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Chetan Alai a/w Ms Rama Somani for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 2 FEBRUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. On 22 March 2021, this Court passed the following order:

“1. The Applicant is seeking anticipatory bail in connection with C.R.No.78/2021 registered with Hinjewadi Police Station, Pimpri Chinchwad on 4.2.2021 under Sections 463, 464, 465, 468, 471, 474, 477, 420 read with 34 of the Indian Penal Code.

2. The FIR is lodged by one Suhas Patil, who was working with as Assistant Director of Sports and Youth Services Directorate, Government of Maharashtra. The FIR is a long document, but, the gist of the FIR is that some certificates were issued to the players in respect of participation in the tournament of the sport known as “Sepaktakraw”. The Government of Maharashtra has a policy of giving jobs to sports persons who have shown expertise in a particular sport, which is reflected in the certificate given by the respective sports association. It is mentioned in the FIR that one Aakash More was given a

certificate by the State Association. It was taken back. Then it was forged and the same certificate was issued in the name of one Amol Kadam though he had not participated in the tournament at all. These are the allegations based on the FIR as well as the submissions by learned A.P.P. on instructions of the investigating officer who is present in the Court.

3. Learned Counsel for the Applicant submitted that the Applicant was a pioneer in introducing this sport in the State of Maharashtra and he was occupying the position of Secretary of the Sepaktakraw Association for Nashik District from 1995 to 2015. Thereafter he has no connection with the administration of the Nashik District Sports Committee for the particular sport. The allegation against the Applicant as per the investigating agency is that the co-accused Kamal Ahire has given a statement that bogus certificates were issued to ineligible sports persons at the behest of Dr. Vishwas and the present Applicant. The certificates were issued in the names of persons who were known to these two accused.

4. Learned A.P.P. produced a copy of the certificate purportedly signed by the present Applicant. Learned Counsel for the Applicant disputes that it was issued by the present Applicant because it pertains to the year 2017-2018 when the Applicant no longer was working with Nashik District Sepaktakraw Association.

5. All these factors need to be verified by the investigating agency. Therefore, today though I am adjourning the matter, considering the stand taken by learned Counsel for the Applicant, I am protecting the Applicant by way of interim relief. He will have to cooperate with the investigation and explain his position. The investigation can go on impartially and explanation can be sought from the Applicant. Hence, the following order

O R D E R

(i) In the event of his arrest in connection with C.R. No.78/2021 registered with Hinjewadi Police Station, Pimpri Chinchwad, till the next date, the Applicant be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) *This order shall operate till 04.05.2021.*
- (iii) *The Applicant shall attend concerned police station on 7th, 8th and 9th April, 2021 between 1:00 p.m. to 5:00 p.m. and shall cooperate with the investigation.*
- (iv) *Stand over to 04.05.2021.”*

3. The learned APP on instructions submits that the investigation is over. It is thus apparent that custodial interrogation of the applicant is not necessary.

4. Considering the overall facts and circumstances of the case, I am inclined to allow the present application. Interim order passed by this Court dated 22 March 2021 is hereby confirmed.

5. Application is disposed of.

(N.R. BORKAR, J.)