



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

ANTICIPATORY BAIL APPLICATION NO. 908 OF 2023

Pankesh Kalyan Tandel

... Applicant

Versus

Union Territory of Dadra, Nagar Havel
& Daman and Diu

...Respondent

Mr.Zishan Quazi, Advocate for Applicant.

Mr.Hiten Venegavkar, Advocate for respondent-UT of DNH and DD.

Mr.M.G. Patil, APP for State.

CORAM : N.J. JAMADAR, J.

DATE : 2ND NOVEMBER, 2023.

P C :

1. Heard learned counsel for the applicant and learned counsel for the respondent.
2. This is an application for pre-arrest bail in connection with C.R. No.16 of 2022 registered with Coastal Police Station, Moti Daman for the offences punishable under sections 420, 465, 468 and 471 of the Indian Penal Code, 1860 ('Penal Code').

3. The indictment against the applicant, who was working as a Police Inspector, is that he had submitted two different proofs of date of birth to the Union Territory Administration and to the Regional Passport office. One of those proof of date of birth must be forged. It was thus alleged that the applicant had deceived the Government agencies by using forged documents and dishonestly used those documents as genuine which he knew or had reason to believe to be forged.

4. The genesis of the offences seems to be in the disciplinary enquiry which came to be instituted against the applicant by Union Territory Administration. The enquiry was conducted *inter-alia with* the imputation that the applicant was over-aged at the time of the recruitment. In that context, the documents were allegedly forged.

5. Evidently, all the offences revolve around the documents which are in custody of the Administration. The applicant was directed to appear before the Investigating Officer by an order dated 12th October 2023. The Court is informed that the applicant has appeared.

6. This Court had granted interim protection by an order dated 30th March 2023. As the offences revolve around documents, at this stage, custodial interrogation of the applicant does not seem to be warranted. Since the applicant was serving with the Union Territory Administration, the possibility of tampering with evidence seems to be remote. However, since there is an allegation that the applicant has obtained Portuguese citizenship, it would be appropriate to direct that the applicant shall not leave India without prior permission of the jurisdictional Judicial Magistrate, Daman.

7. Hence, the following order :

O R D E R

(i) In the event of arrest of the applicant in connection with C.R. No.16 of 2022 registered with Coastal Police Station, Moti Daman for the offences punishable under sections 420, 465, 468 and 471 of the Penal Code, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The applicant shall co-operate with the investigation and attend Coastal Police Station, Moti Daman Police Station on 8th, 9th and 10th November 2023 in between 10:00 a.m. to 1:00 pm and thereafter, as and when directed by the Investigating Officer.

(iii) The applicant shall furnish his specimen handwriting and signature, if directed.

(iv) The applicant shall not leave India without the prior permission of the jurisdictional Judicial Magistrate, Daman

(v) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vi) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant, any of the

prosecution witnesses or any person acquainted with the facts of the case.

(vii) It is clarified that these *prima-facie* observations are confined to determine the entitlement to pre-arrest bail only.

(viii) The application stands disposed of.

[N.J. JAMADAR, J.]