



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

ANTICIPATORY BAIL APPLICATION NO. 1078 OF 2023

Karunesh Ramugrah Chaube ... Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.J.S. Kini a/w. Mr.Aum Kini i/b Ms.Sapna Krishnappa,
Advocate for Applicant.

Mr.S.H. Yadav, APP for Respondent-State.

CORAM : N.J. JAMADAR, J.

DATE : 2ND NOVEMBER, 2023.

P C:

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for pre-arrest bail in connection with C.R. No.64 of 2023 registered with Khargar Police Station for the offences punishable under sections 415, 419, 420, 463, 465, 468, and 471 read with section 34 of the Indian Penal Code, 1860 ('Penal Code').
3. The first informant lodged a report with the allegation that Empire Estate Co-operative Housing Society Ltd. had availed services of security guards provided by Chetak Suraksha Force. The

applicant is the proprietor of Chetak Suraksha Force. The licence to engage in the business of providing security agency issued to Chetak Suraksha Force had expired on 4th January 2022, yet, Chetak Suraksha Force provided services of the security guards by furnishing document that the licence was renewed till 16th September 2023. The applicant and co-accused Nitu Upadhyay, who was the then Supervisor of the security guards provided by Chetak Security Force, committed forgery of the documents and also defrauded the society of an amount of Rs. 11,00,000/-

4. Mr.Kini, learned counsel for the applicant submitted that the applicant was unaware of the alleged forgery of documents by Nitu Upadhyay-accused No.1. The applicant had applied for renewal of the license. Mr.Kini seeks leave to tender a licence issued by the Controlling Authority authorizing the applicant to engage in the business of providing security agency. Mr.Kini submits that the license had been issued on 28th August 2023 and it is now valid upto 26th August 2018. The applicant never intended to deceive either the society or the agency. Mr.Kini further submitted that Nitu Upadhyay had indulged in alleged fraudulent acts, as she was getting commission. Nitu Upadhyay has been granted pre-arrest bail by the Court of Sessions by an order dated 15th March 2023.

5. Learned APP resisted the application on the ground that the

applicant, being the proprietor of Chetak Suraksha Force, cannot extricate himself by blaming co-accused Nitu Upadhyay.

6. I have perused the allegations in the first information report. The first informant categorically asserts that documents were submitted on 23rd January 2023 by co-accused Nitu Upadhyay. In the circumstances, whether the applicant was also a privy to the offences and has indulged in the alleged forgery of the documents would be a matter for trial. Since Nitu Upadhyay has been granted pre-arrest bail, the applicant also deserves the exercise of discretion.

7. Hence, the following order :

ORDER

(i) In the event of arrest of the applicant in connection with in C.R. No.64 of 2023 registered with Kharghar Police Station, for the offences punishable under sections 415, 419, 420, 463, 465, 468, and 471 read with section 34 of the Penal Code, the applicant be released on bail on furnishing a P.R. 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 Kharghar Police Station on 8th and 9th November 2023. in between 10.00 am to 1.00 pm and, thereafter, as and when directed by the Investigating Officer.

(iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

(iv) The applicant shall regularly attend the proceedings before the jurisdictional Magistrate.

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

(vi) The application stands disposed.

[N.J. JAMADAR, J.]