

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1152 OF 2021

Aslam K. Shaikh

...Applicant

V/s.

State of Maharashtra

...Respondent.

Mr. S.H. Nimbalkar a/w. Mr. A.U. Arote and Mr. Ashish Kachole for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 22.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.
3. This Court on 7 May 2021, passed the following order:

"1. Heard the learned counsel for the applicant and the learned APP for the Respondent - State.

2. This is an application under section 438 of Code of Criminal Procedure, 1973. The applicant herein is seeking pre-arrest bail in Crime No.100 of 2021 registered at Pimpri Chinchwad Police Station for the offences punishable under sections 420, 465, 467, 471 of Indian Penal Code. That, the applicant was helping all the tender contractors to file their forms in Municipal Corporation.

3. It is the case of the prosecution that in fact the complainant is the proprietor of RMC Construction Company. The complainant had filed a tender in Pimpri Chinchwad Municipal Corporation. A person who was granted tender died before work order was issued and therefore, the complainant who was at Sr.No.2 was given tender. It is alleged that on 3rd December 2020 the complainant had received a notice from the City Engineer informing him that Atul Company has got the work order

dated 19th March 2020 for a sum of Rs.3,25,89,372/-. The complainant had given Bank guarantee in the form of FDR.

4. It appears that the said Bank guarantee was forged and fabricated. The complainant then realised that he was cheated and that the complainant was not holding any Bank guarantee from which FDR was submitted on his behalf with Pimpri Chinchwad Municipal Corporation. Pimpri Chinchwad Municipal Corporation had blacklisted the complainant and he has suffered losses. The complainant has suspected that the applicant had forged the documents. That, he has obtained electronic stamp mobile number which was used to forge the signature of the complainant. The learned APP submits that the investigation is in progress and the Investigating Officer has to record the statements of the Bank Officers as well as the Officers of the Municipal Corporation. The learned APP also submits that the custodial interrogation of the applicant would be necessary to seek information from him about the modus operandi. However, prima facie, the applicant deserves pre-arrest bail on the condition that he shall voluntarily co-operate with the investigation and submit all the documents as asked for. In the present situation, custodial interrogation for the time being may not be imperative. Hence, the following order :-

ORDER

- (i) By way of ad-interim relief, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or more sureties in the like amount;*
- (ii) Applicant shall report to the Investigating Officer on every Monday and Thursday between 10.00 to 1.00 pm and co-operate with the Investigating Agency. Investigating Officer shall also give a questionnaire to the applicant and take his specimen signatures, if necessary;*
- (iii) Stand over to 10th June 2021."*

4. In view of statement of Gorakh T. Bhalekar, I am inclined to allow the present application. The interim order passed by this Court dated 7 May 2021 is hereby confirmed.

5. The application is disposed of accordingly.

[N.R.BORKAR, J.]