

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1376 OF 2023

Appaso Balwant Jadhav ...Applicant
 vs.
 State of Maharashtra ...Respondent

Mr. Aditya S. Raktade for the Applicant.
Mr. S. R. Agarkar APP for the Respondent-State.
Mr. S. B. More, PSI, Satara City police station present.

CORAM : S. M. MODAK, J.

DATED : 26TH JUNE 2023

P.C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. Even though learned Advocate for the Applicant tried his level best to convince me that his client is not at all responsible and it is his employee Mr. Sagar Jadhav, who has done manipulation in NOC alleged to be issued by Satara Municipal Corporation. After going through the papers and chronology of events, I am not satisfied with this contention.
3. I have heard learned Advocate for the Applicant at great length. Learned Advocate submitted that considering strained

relationship between him and his employee Sagar Jadhav, this false FIR is filed by Satara Municipal Corporation belatedly on 31st March 2023, (page 30), that is to say NOC was issued on 17/02/2022 in respect of contract about disposal of solid waste management, still the FIR is filed belatedly.

4. It is true that the Applicant has not hidden from placing reliance on those bogus NOC, so as to say, when he filed civil suit against the Association of Hospital owners and others on 20th February 2023, he has placed reliance on that NOC, which is forged, according to Satara Municipal Corporation. There are two NOCs annexed to the Application, one is on page 51, which is genuine one and the second is on page 48, except adding duration of NOC, that is to say 17/02/2022 to 16/02/2042 page 48, all other contents are not disputed by the Corporation.

5. It is pertinent to note that the Association of Hospital owners vide their letter dated 18th May 2022, have informed the Applicant to vacate the plot where the solid waste management was being carried out. It is for non compliance of the terms of agreement with the Association. After receipt of this letter, present Applicant has approached the Civil Court, Satara for declaration and injunction

against the association and others. In those papers, this NOC dated 17/02/2022 which is alleged to be forged one is annexed.

6. The contention is raised that the Applicant is running various such projects and he is required to look after all these projects and by taking disadvantage of the situation, his employee Sagar Jadhav has done all these misdeeds. It is also true that there is FIR registered against this Applicant at Satara police station under sections 376, 354, 506 of IPC bearing C.R.No. 429 of 2022, registered with Satara Taluka police station, Satara. It is filed by one Megha Sagar Jadhav, who is wife of employee Sagar Jadhav, wherein she has alleged about sexual abuse and harassment.

7. There is one more contention that there is rival competitor, who is interested to grab contract from the association and who is joined as Defendant No.2 in that suit. So he is also behind the scene for setting criminal law in motion.

8. Be that it may, the Applicant has used that NOC containing manipulated clause about duration. Merely by blaming the employee-Sagar, the Applicant cannot shun his responsibility. Ultimately, he is a person to whom the contract is awarded by the Association. He is the person to whom NOC is issued by Satara

Municipal Corporation. He is supposed to be vigilant.

9. So at this stage, I am not inclined to accept the contention that the employee-Sagar has done this and it is for the reason that his wife has lodged complaint against the Applicant. I am not inclined to accept the contention that his competitor was instrumental in setting the criminal law in motion. These are grounds which can be argued before the trial Court after the charge-sheet is filed.

10. Merely by giving attendance, it is difficult to unearth how this manipulated portion is added in the disputed NOC. The custodial interrogation of the Applicant is required. Furthermore, it is submitted that the police have recorded statement of Sagar Jadhav and he has refuted all the allegations by the present Applicant. So no case for grant of anticipatory bail is made out.

11. Hence, the Application is rejected.

12. These are my prima facie observations and the trial Court may not be influenced by that.

13. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]