

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2004 OF 2023

Kisan Tukaram Bande ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. R.S. Deshpande i/b. Mr. Aneesh Deshpande, for the Applicant.

Mrs. A.A. Takalkar, APP, for the Respondent/State.

Mr. Samadhan Chaudhari, API, Mahim police station present.

CORAM : N. J. JAMADAR, J.

DATE : SEPTEMBER 07, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 198 of 2020 registered at Mahim police station for the offences punishable under sections 120-B, 419, 420, 465, 467, 468 and 471 of Indian penal Code, 1860.

3. By an order dated 20th July, 2023 this Court was persuaded to grant interim relief observing inter alia as under:-

3] Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4] The Applicant was the Administrative Officer of BMC from 09/09/2014 to 03/12/2018. It is alleged that during his tenure, 04 sweepers were employed by issuing bogus appointment orders and without following the requisite procedure. The FIR in this regard was lodged on 07/07/2020. Pursuant to the complaint

lodged by one Tanaji Ghag, the Applicant was called for inquiry and his statement was recorded. The Applicant has disputed his signature on the said appointment letters. Till date, the Investigating Officer has not taken specimen signature of the Applicant and has not verified whether the said appointment letters were in fact signed by the Applicant herein. No justifiable reasons or explanation in this regard is forthcoming. Consequently, this is a fit case to grant interim protection.

4. Learned APP, on instructions, submits that the applicant has appeared before the investigating officer in terms of the aforesaid order and the specimen handwriting and signature of the applicant has been obtained.

5. Learned counsel for the applicant invites attention of the Court to the notice under section 41A dated 12th January, 2023 wherein it was mentioned that the investigation was complete and the charge-sheet was to be filed on 1st February, 2023.

6. The applicant has cooperated with the investigation. It seems that the investigation is complete for all intent and purpose. The applicant has roots in the society and the possibility of fleeing away from justice and tampering with prosecution evidence seems to be remote.

7. I am, therefore, inclined to make the order of interim bail absolute.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The order of interim bail dated 20th July, 2023 is made absolute on the terms and conditions incorporated therein.
- 3] In addition, the applicant shall regularly attend the proceeding before the jurisdictional Court.

(N. J. JAMADAR, J.)