

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.2091 OF 2023

Santosh Sanjay Zende

... Applicant

V/s.

The State of Maharashtra

... Respondent

VAIBHAV
RAMESH
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Mr. Satyavrat Joshi i/by Mr. Ashish S. Vernekar for the
applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 3, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.339 of 2023 registered with Sangli City Police Station, Sangli for offences punishable under sections 465, 467, 468, 469, 471 read with section 34 of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, the informant is working as Junior Engineer in Town Planning Department of S.M.K. Corporation since year 2019. His profile is related to redressal of complaint of construction permission, sanction of non-agricultural proposal/permission etc. Accused Pawan Zende, cousin brother of the applicant Santosh made an application for loan in Union Bank of India main branch Sangli for construction of Hotel in Survey

No.502/1+2+2A/1+2/2 at plot No.13. He submitted construction permission certificate No.784 dated 19th May 2023 for initiation of construction along with loan proposal to the said Bank. The Manager of Bank sent the letter for verification of construction permission certificate to S.M.K. Corporation. The Deputy Commissioner Rahul Rokade conducted preliminary inquiry with concerned employees. He recorded statement of concerned employees. Co-accused Pawan Zende was also called during the inquiry. He disclosed that one agent was appointed for getting work order certificate. But, he do not know name and address of the said agent. During inquiry, it was transpired that no work order certificate was issued by Town Planning Department and certificate which submitted to the Bank found to be fake, having counterfeited seal and signature of officer of the Branch Engineer of the S.M.K. Corporation.

3. On perusal of the case papers and the statements recorded by the investigating officer, it appears that the person whose services were engaged by the co-accused Pawankumar has stated that the alleged forgery was committed by him along with co-accused Pawankumar.

4. Moreover, at this stage, there is no material to indicate active involvement of the applicant with the alleged offence. It shall be open for the investigating agency to investigate into role of the applicant. However, based on the material available as of today, the applicant has made out a case for grant of relief. Hence, following order:

- a) In the event of arrest of the applicant in connection with C.R. No.339 of 2023 registered with Sangli City Police Station, Sangli for offences punishable under sections 465, 467, 468, 469, 471 read with section 34 of the Indian Penal Code, 1860, he be released on bail on furnishing PR Bond in the sum of Rs.25,000/-, along with one or two sureties in the like amount;
- b) The applicant shall remain present before the investigating officer on 5th, 7th and 9th August 2023 between 11:00 a.m. to 02:00 p.m. and, thereafter, as and when called by the investigating officer;
5. The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
6. The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
7. The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.
8. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)