

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2191 OF 2023

Mausam Atmaram Patil	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Vivek Rane, for the Applicant
Mr. S.H. Yadav, APP, for the Respondent/State.
Ms. Gayatri Takalkar, for the Intervener.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 14, 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.246 of 2023 registered at Narpoli police station for the offences punishable under sections 420, 465, 467, 468 and 471 read with 34 of Indian penal Code, 1860.
3. When the application was listed before this Court by an order dated 12th October, 2023 this Court was persuaded to grant interim bail observing inter alia as under:-

8] I have perused the allegations in the FIR and the material on record. Prima facie it appears that the first informant and the co-sharers were the parties to proceedings before the ALT under Section 32G of the Act, 1949. Being aggrieved by the decision of ALT under Section 32G, the first informant party has preferred an appeal before the Sub-Divisional Officer, which is subjudice. The role attributed to the applicant is that of facilitating the fraudulent judgment in the proceedings under Section 70(b) of the Act, 1949.

9] Prima facie, the material against the accused is in the nature of the statements of the witnesses that it was the applicant who had in connivance with the co-accused obtained the fraudulent judgment and that the applicant was seen with the co-accused when the proceedings were pending before the ALT.

10] At this juncture, the aforesaid material does not prima facie sustain the necessity of the custodial interrogation of the applicant. Undoubtedly the allegations against the applicant merit further investigation and if the investigation reveals the nexus between the applicant and the alleged offences, the same can be considered at the stage of final adjudication of the prayer for pre-arrest bail. I am, therefore, inclined to grant interim protection while directing the applicant to join in the investigation.

4. The learned APP on instructions submits that the applicant, pursuant to the aforesaid order, has appeared before the investigating officer. In the circumstances of the case and for the reasons which weighed with this Court for granting interim bail, I am impelled to make the order of interim bail absolute.

5. The order of interim bail dated 12th October, 2023 is made absolute on the terms and conditions incorporated therein.

6. In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

7. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)