

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.3222 OF 2022

Prashant Gulabrao Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Niranjana Mundargi i/by Ms. Keral Mehta, for the Applicant.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 15, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.I-302/2022 registered with Bhadrakali police station, Nashik for the offences punishable under Sections 420, 465, 468, 471 of the Indian Penal Code (for short 'IPC'). The applicant is seeking relief under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.).

2. According to the prosecution one Sunita Shivaji Aher has working as Shikshan Sevak with Y.D. Bytco Girls High School and Junior College from 1 July 2017 her term came to an end on 30 June 2020. A proposal for continuation of her service was sent for concerned Headmaster to the office of Deputy Director, Education Department, Nashik at 1:00 pm on 9 May 2022 Sunita Aher produced purportedly issued by the Deputy Director, Education Department, Nashik approving pay scale. The said approval letter dated 30 May 2022. According to the prosecution, the said letter

was not signed by the then Director of Education. The chairman of the management referred the letter to the department and it was revealed that the said communication was forged. Sunita Aher, therefore, explained that the applicant accepted amount of Rs.12 lakhs for getting the order and he had submitted the forged letter. She had given that letter to Sunita. Accordingly, the first information report was lodged. The applicant, therefore, filed application under Section 438 of Cr.P.C. which came to be rejected by order dated 2 November 2022. Aggrieved thereby, the Applicant has filed the present application.

3. This Court by order dated 18 November 2022 protected the applicant subject to condition of payment of Rs.12 lakhs to Sunita Aher. Order dated 25 November 2022 indicates that the said amount is paid. The interim relief is in force from 18 November 2022. There is no material on record that the applicant has not co-operated with investigation.

4. Learned Advocate for the applicant submitted that the applicant has co-operated with investigation, he has allow his voice sample to be taken. He is ready for further custodial interrogation. According to him except these documents, there is no allegations of preparation of such document.

5. Learned APP states that the allegations are serious, there is possibility of applicant having prepared such forged documents and therefore, custodial interrogation of the applicant is necessary.

6. Having perused the material on record along with affidavit-in-reply by the investigating officer, it appears that the applicant

has co-operated with investigation. The material on record as of today indicates that there is no other incident of the applicant having engaged similar kind of activity. If during course of investigation it is revealed that the applicant has indulged in similar kind of activity, it will be open for the investigating agency to seek appropriate relief.

7. At this stage since the applicant is ready to co-operate with investigation and has co-operated with investigation. Considering the fact that except the alleged forged documents which is subject matter of report, there is no allegation that the applicant had ever indulge in such activity, in my opinion, the applicant is entitled to relief under Section 438 of Cr.P.C. Hence, following order:

a) In the event of arrest in connection with C.R. No. I-302/2022 registered with Bhadrakali police station, Nashik for the offences punishable under Sections 420, 465, 468, 471 of IPC, the applicant shall be released on bail on furnishing P.R. bond of Rs.50,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the concerned police station on 19th, 21st, and 23rd, June, 2023 between 11:00 am to 2:00 pm thereafter, as and when called by the investigating officer.

c) 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.

d) 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.

e) 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.

(AMIT BORKAR, J.)