

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (ABA) NO. 736 OF 2022

GURUPRIT S/O TARSEM SINGH AND ANOTHER

VS

STATE OF MHA. THR. PSO PS GADCHIROLI TAH. AND DIST. GADCHIROLI

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Anil Mardikar, Senior Advocate assisted by
Mr.A.R.Wagh, Advocate for applicants.
Mr.N.R.Rode, APP for respondent State.

CORAM : ANIL L. PANSARE J.

DATE : 17/01/2023

The applicants are apprehending arrest in Crime No.690/2022, registered with Police Station, Gadchiroli for the offences punishable under Sections 420, 465, 468, 471 read with 34 of the Indian Penal Code.

2. The applicants are involved in the business of construction in the name and styled as M/s. Young Construction Company, Chandrapur. They submitted a bid to Zilla Parishad, Chandrapur for construction of road. The bid having been accepted, they were required to furnish security deposit prior to issuance of work order. Accordingly, they have tendered FDRs

worth Rs.23 Lakhs approximately. The work order came to be issued. Learned counsel for the applicant submits that the work has been completed. However, the Officer of Zilla Parishad, as a routine verification, issued a communication to the concerned bank to verify whether the FDRs were issued by the concerned bank i.e. Union of India. In reply, the Union Bank of India informed that the FDRs were not issued by the said bank. Therefore, the FIR came to be lodged.

3. The learned Sessions Court observed that the FIR does not specify what loss has been caused to the Government because of the fabricated FDRs. However, opined that the work order was issued on the basis of said FDRs. The work has now been completed and therefore they have earned profit, which according to the learned Sessions Court is a wrongful gain.

4. Despite the above status, the question is whether the custodial interrogation is required, though it is not the only ground to reject the anticipatory bail, but is significant in the present case. The applicants are not habitual offender.

5. The learned APP submits that not only that the allegations are serious, but the custodial interrogation is required to find out the source of FDRs. The record indicates that the Union Bank of India has already issued a letter that the FDRs were not issued by the bank. The FDRs are in the custody of the Investigating Agency. The material evidence therefore, is already collected.

6. It appears that the applicants have stated before the Sessions Court that their employees have obtained the FDRs, however, the names of employees were not disclosed. It will be thus appropriate to direct the applicants to attend the concerned Police Station and to appear before the Investigating Officer and to co-operate in the investigation in order to avoid future complications which includes cancellation of bail if the applicants are found to have not co-operated in the investigation.

7. On inquiry, learned counsel for the applicants submits that they have no criminal antecedents. The applicants have immovable properties in Chandrapur. Thus, they have strong roots in the locality. Hence, the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No.690/2022, registered with Police Station Gadchiroli, District Gadchiroli for an offence punishable under Sections 420, 465, 468, 471 read with 34 of the Indian Penal Code, applicants, namely, **(i) Guruprit s/o Tarsem Singh and (ii) Jagannath s/o Ramlu Sagar**, be released on bail on they furnishing P.R. Bond in the sum of Rs.50,000/- each with one or two solvent surety in the like amount.

(iii) The applicants shall attend Police Station, Gadchiroli, District Gadchiroli, on every **Monday** and **Friday** between **02:00 to 05:00 p.m.**, till filing of the charge-sheet.

(iv) The applicants shall, at the time of execution of bond, furnish their addresses and telephone/mobile number(s) to the Investigating Officer and to the Court concerned and shall not change the residence till the final disposal of the case.

(v) The applicants 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/her from disclosing such facts to the Court or any Police Officer.

(vi) The applicants shall not obstruct or hamper the police investigation and shall not play mischief with the evidence collected or yet to be collected by the Police.

(vii) The applicants shall maintain law and order.

(viii) The applicants shall regularly attend the court and co-operate the learned trial court to complete the trial for the above offence. The applicant shall not seek adjournments, except under extreme circumstances, to the satisfaction of the trial court.

(ix) The applicants shall surrender their Passports, if any, before the investigating officer within a period of one week from today, and if they do not possess any passport, they shall file affidavit to that effect.

(x) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of.

*Digitally signed by*RAVIKANT
CHANDRAKANT KOLHE
*Signing Date:*19.01.2023
18:14

JUDGE