

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

ANTICIPATORY BAIL APPLICATION NO. 1136 OF 2023

Pundlik @ Prakash Layappa Koli & 9 ... Applicants.
Others

V/s.

The State of Maharashtra, thr. ... Respondent
Mandrup Police Station, Solapur

Shri A. P. Mundargi, Sr. Adv. a/b. Shri V.V. Purwant & Shri Suraj
Gadkari, Advocate for Applicant.

Ms Veera Shinde, APP for the State.

Shri S.B.Talekar i/b Talekar & Associates for Applicant in IA No.890/24

CORAM : ANIL S. KILOR, J.

DATED : 13TH JUNE, 2024.

PC:

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicants are seeking pre-arrest bail in connection with Crime No.69 of 2023, registered with Police Station, Mandrup, District: Pune for the offences punishable under Sections 420, 467, 468, 193, 200, 471 read with Section 34 of the Indian Penal Code.

3. In the present matter, initially minority status was granted by the State Government to the trust namely Solapur Zilla Samajseva Mandal, Solapur and thereafter certain appointments were made and accordingly salaries of the employees were released by the Government. However, subsequently, the status granted to the trust as minority was withdrawn by the Government on the ground that by misrepresenting the Government such status was obtained by the Trust and as such the offence was registered.
4. In the present matter, on 19/04/2023 this Court, after considering the nature of the allegations made in the F.I.R. granted *ad-interim* bail to the applicants and since then from last more than one year the applicants are on bail.
5. The learned A. P. P. is opposing the present application on the ground that certain documents, demanded by the Investigating Officer have not been submitted by the applicants for the purpose of investigation.
6. In response, the learned counsel for the applicants submits that the applicants undertake to submit all the necessary documents if the Investigating Officer intimates in writing. The applicants further undertake to cooperate the Investigating Officer in the investigation.
7. The learned APP further submits that the amount of Rs.4.94 crores has been misappropriated by forging the documents and

by misrepresenting the State to obtain minority status. It is therefore, submitted that the application may be rejected.

8. Shri Talekar, learned counsel appearing for one of the trustees, who joined the trust subsequent to the registration of the offence is opposing the present application on the ground that while granting minority status appropriate inquiry was not conducted by the State and it is apparent on the face of the record that the documents were forged by the applicants.
9. The learned counsel further submits that the applicants won over the complainant and now the complainant becomes the trustee. He, accordingly prays for rejection of the present application.
10. In light of the rival submissions, I have perused the F.I.R. and the allegations made against the applicants.
11. Firstly, the applicants are on bail from last more than one year. Moreover, it is evident that the Government after conducting necessary inquiry bestowed the minority status over the trust. The allegation that such minority status was obtained by committing forgery and by misrepresenting the State, is a matter of evidence.

12. In the circumstances, at this stage, I am of the opinion that the custody of the applicants is not necessary as the record is in the custody of the Investigating Officer.
13. As far as the objection raised by the learned A.P.P. that the applicants have not submitted certain documents, though demanded by the Investigating Officer, the undertaking is given by the learned counsel for the applicants that the applicants would submit the documents to the Investigating Officer. Hence, I am of the opinion that the order dated 19/04/2023 needs to be confirmed.
14. Accordingly I passed the following order:
 - i) The Criminal Application is allowed.
 - ii) The order dated 19/04/2023, granting interim bail to the applicants, is confirmed.
 - iii) The applicants shall attend the Police Station, Mandrup, District : Pune from 18/06/2024 to 24/06/2024 between 01:00 pm and 03:00 p.m.
 - iv) The Investigating Officer may intimate the applicants in writing the documents to be submitted by the applicants with 72 hours notice. On such intimation by the Investigating Officer in writing, the applicants shall submit

all the documents mentioned in such letter, within two weeks from the receipt of such intimation, or if for any reason the applicants are not in a position to submit such documents, shall submit an explanation to that effect, in writing, to the Investigating Officer.

- v) Liberty to the State to apply for cancellation of bail in case the applicants do not cooperate the Investigating Officer in the investigation.
- vi) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)