

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

ANTICIPATORY BAIL APPLICATION NO.423 OF 2024

Sunil Ramdas Gupta

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Milan Desai a/w Arkam Shaikh, Advocate for Applicant.
- Mr. Ashish Satpute, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.22/2024, dated 11/01/2024, registered with Charkop Police Station, Mumbai, under sections 420, 465, 468, 471 r/w 34 of the Indian Penal Code.

2. Heard Mr. Milan Desai, learned counsel for the Applicant and Mr. Ashish Satpute, learned APP for the State.

3. The FIR is lodged by one Jyoti Patel. She was a Rationing Officer. She has stated that on 20/12/2023 one

Ganpatsingh Devda had given a complaint that one person had prepared a forged ration card. The informant verified the ration card sent by the police with the record of their office. That ration card stood in the name of Abdul Avval Khan. On verification it was found that the ration card which was sent, was a forged document. The seal of the ration card and number mentioned on the card were all bogus. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant's name is not mentioned in the FIR. The allegations against him are vague. From 20/12/2023, the authorities knew about the forgery of the ration card and till January 2024 the Applicant's name did not transpire in the investigation. The Applicant is implicated as an afterthought. As per Devda's statement one Chetan Prajapati had called him and he had named the Applicant. There is only a vague reference to the Applicant's name. The belated statements recorded in 2024 should not be taken into consideration for denying anticipatory

bail to the present Applicant. The notice u/s 41-A of the Cr.P.C. was not issued to the Applicant. He submitted that the investigation itself reveals that the forgery was actually done by one Chhotulal Yadav and not by the present Applicant. The ingredients of section 420 of IPC are not made out. Section 465 of IPC is bailable. If provisions of section 420 of IPC is left out, then there is no non-bailable offence and therefore, the protection of anticipatory bail cannot be denied to the present Applicant.

5. Learned APP opposed these submissions based on the investigation papers regarding investigation which is carried out so far. The investigation papers contain statements of Abdul Khan in whose name that second forged ration card was issued. There are statement of Ganpatsingh Devda and the Panchanamas.

6. I have considered these submissions and I have perused the investigation papers. The most important statement in this case would be that of Abdul. His ration card was forged, which

is the subject matter of this investigation. He has stated that in September 2023, he had lost his ration card. He made enquiries in his area about anybody who could help him in getting a ration card. He came to know that the present Applicant who was also a ration shop owner was getting ration cards prepared. Abdul met the Applicant and told him to prepare ration card for him. The Applicant asked for his proof of residence. The said Abdul did not have any proof. The Applicant assured him that he would do something and get the ration card for him. He took Rs.5,000/- for that work. At that time said Chetan was present there. The said person Abdul kept on enquiring with the present Applicant. Afterwards, after a month when he went to the Applicant's shop, Chetan told him that the ration card was ready. Thereafter, he took it from the Applicant and gave it to Abdul. Subsequently, the ration shop owner Ganpatsingh realized that it was a forged ration card and after that the investigation started. The statement of this Abdul clearly implicates the present Applicant. His role is established. The Applicant is the main accused who was instrumental in getting the forged ration card

in the name of Abdul. There is sufficiently strong material against the present Applicant necessitating his custodial interrogation. There is a possibility that this may not be an isolated incident and the Applicant may be involved in other similar incidents. Considering the strong material against him, the Applicant's custodial interrogation is absolutely necessary. No relief can be granted to the Applicant. The application is rejected.

(SARANG V. KOTWAL, J.)