

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

CRIMINAL BAIL APPLICATION NO. 1181 OF 2024

Rajaram Babu Kokate	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Sumedh S. Modak i/b. Vijay Killedar for the Applicant.
Smt. Madhavi H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 8 MAY 2024

P.C. :

1. The matter is placed on the board at the instance of the learned counsel for the applicant for speaking to the minutes of order dated 29.04.2024. According to learned counsel, the first paragraph of the order mentions 'C.R.No.193/2028' and clause (i) of the operative part also mentions 'C.R.No.193/2028'. This is a typographical error. The prayer clause mentions C.R. number as 'I-147 of 2018' which is reflected in the order dated 12.03.2019 passed in A.B.A.No.610 of 2019.

2. Considering the responsible statement made by the learned counsel for the applicant, the typographical error in paragraph-1 and clause (i) of the operative part be corrected. The correct C.R.No. I-147 of 2018 be mentioned at both these places.
3. Rest of the order shall remain as it is.
4. Corrected order be uploaded.

(SARANG V. KOTWAL, J.)

CORRECTED ORDER DATED 29 APRIL 2024 READS THUS:

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

ANTICIPATORY BAIL APPLICATION NO.1181 OF 2024

Rajaram Babu Kokate Applicant

versus

The State of Maharashtra Respondent

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- Mr. Vijay Killedar, Advocate for Applicant.
- Smt. Madhavi H. Mhatre, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 29th APRIL, 2024**

PC. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.I-147 of 2018, dated 06/10/2018, registered with Badlapur Police Station, Thane City, under sections 406, 409, 420, 467, 468 r/w 34 of the Indian Penal Code.
2. Heard Mr. Vijay Killedar, learned counsel for the Applicant and Smt. Madhavi H. Mhatre, learned APP for the State.
3. The FIR is lodged by one Arun Meher. The FIR is about the compensation granted by Reliance Gas Company for taking their Gas Pipeline within the land bearing survey No.107/7/B. According to the informant, that particular land was in the possession of the informant's branch of the family. The 7/12 extract shows that the owners were from the other branch of the family consisting of the informant's cousins and yet the compensation was paid to one Dattatray Meher. It was to the tune of Rs.9,78,280/-. The allegations against the present

Applicant is that a Panchanama was carried out purportedly on 09/09/2016, but it was actually conducted on 03/04/2017. It was a forged Panchanama. It was false and it was signed by different persons. The Applicant was working with the said Reliance Gas Company. He had fraudulently helped the beneficiaries. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the beneficiary of this offence is Dattatray Meher. The others, mentioned in the FIR i.e. Ajit Meher, Pankaj Meher and Aruna Meher, were concerned with the creation of the same document. All of them are granted anticipatory bail. While granting anticipatory bail to the beneficiary Dattatray in Anticipatory Bail Application No.610 of 2019, this Court (Coram : A. S. Gadkari, J.) had permitted the said accused/Applicant to deposit Rs.6,25,000/- in the Registry of this Court. He had already paid an amount of Rs.3,56,000/- in favour of the cousins of the informant. The said beneficiary Dattatray, as mentioned earlier and others, are protected u/s 438 of Cr.PC. He submitted that

the Applicant has allegedly played a minor role and in any case the amount is secured. The Applicant is 71 years of age and therefore no purpose will be served by permitting custodial interrogation of the Applicant.

5. Learned APP opposed these submissions and submitted that there are specific allegations against the present Applicant.

6. I have considered these submissions. In this case, the main beneficiary is Dattatray. He is granted anticipatory bail u/s 438 of Cr.P.C. The amount in question is secured. The Applicant is 71 years of age. Considering all these aspects, the Applicant's custodial interrogation is not necessary. He will have to attend the concerned police station as and when called and he will have to cooperate with the investigation. In my opinion, this application can be allowed.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.I-147 of 2018, dated 06/10/2018, registered with Badlapur Police Station, Thane City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)