

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 508 OF 2024

Jeetendra Kumar Raj	...Applicant
Versus	
The State of Maharashtra	...Respondent

ANTICIPATORY BAIL APPLICATION NO. 509 OF 2024

Anurag Kumar Patanwar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Abhinav Shrivastava i/b Paras D. Yadav with Sumat Patale, for Applicants.

Mr. S. R. Agarkar, APP for State/ Respondent No. 1.

Mr. Nilesh B. PSI, Pimpri Police station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 27th FEBRUARY, 2024.

PC:-

1) Heard the learned Counsel for the applicants and the learned APP for the State.

2) These applications are for pre-arrest bail are in connection with CR. No. 448 of 2023, registered with Pimpri Police Station, Pimpri Chinchwad, for the offences punishable under Sections

406, 420, 464, 465, 468, 469 and 471 of Indian Penal Code, 1860 ("the Penal Code") and Sections 66 (C) and 66 (E) of Information Technology Act, 2000.

3) The first informant is working as a Principal with a school at Chikhali run by Subhadra Educational Society. A proposal for sanction of additional classes for the standards 1 to 12 was to be submitted to Central Board of Secondary Education (CBSE). Co-accused Ashutosh Oza was working as a 'Consultant' with the Society in relation to CBSE evaluation, extension, section increase and for other purposes, since the year 2018.

4) The first informant lodged a report with the allegations that as instructed by the accused No. 1- Ashutosh Oza, he had forwarded the documents for sanction of additional classes. On 27th January, 2023 a news was broadcasted in the electronic media that the land certificate and other documents uploaded on the website of CBSE by the society were forged. In particular, it was reported that the signature of the then Divisional Commissioner on the land certificate was forged. The Society instituted an inquiry. It transpired that the accused No. 1 had forged the land certificate and fire safety certificate while uploading the documents on the website of CBSE by misusing the credentials entrusted to him. Thus, the report.

5) During the course of investigation, it transpired that the amounts were credited to the account of the applicants at the instance of accused No. 1 -Ashutosh Oza.

6) By an order dated 29th September, 2023, this Court had rejected the application of Ashutosh Kumar Oza - accused No. 1.

7) The learned Counsel for the applicants submitted that the applicants have no role in the alleged offences. In the FIR, the applicants have not been named. The applicants have been roped in only for the reason that the amounts have been credited to the account of the applicant.

8) The learned APP resisted the prayer for pre-arrest bail. It was submitted that the order of rejection of pre-arrest bail of Ashutosh Oza has been upheld by the Supreme Court. The applicants were privy to the alleged offences. Therefore, the applicants did not deserve the relief of pre-arrest bail.

9) I have perused the FIR. Evidently, the allegations in the FIR are primarily and singularly against the Ashutosh Oza, accused No. 1. It was alleged that at the instance of Ashutosh Oza, amounts were credited to various accounts.

10) The learned APP invited the attention of the Court to the statement of account of Anurag Patanwar, the applicant in ABA

No. 509 of 2024 wherein a sum of Rs.3,00,000/- was credited on 14th January, 2021 by Subhadra Educational Society. Likewise in the account of Jeetendra Raj, the applicant in ABA No. 508 of 2024, a sum of Rs. 2,00,000/- was credited on 20th December, 2022 by Subhadra Educational Society.

11) In this view of aforesaid submission, the learned Counsel for the applicants, on instructions makes a statement that the applicants are willing to bring back the said amounts.

12) It is imperative to note that in the FIR it is alleged that at the instance of the co-accused - Ashutosh Oza amounts were credited to the various accounts. No role of any false representation, inducement or creation of false documents has been attributed to the applicant. Thus, the applicants deserve interim protection.

13) Hence, the following order.

:ORDER:

I) As undertaken, the applicant Jeetendra Raj shall deposit an amount of Rs.2,00,000/- and applicant Anurag Patanwar shall deposit an amount of Rs.3,00,000/- in the Court of Judicial Magistrate First Class, exercising

jurisdiction over Pimpri police station within a period of one week from today.

II) Subject to the aforesaid deposits, in the event of the arrest of the applicants in connection with CR. No. 448 of 2023, registered with Pimpri Police Station, Pimpri Chinchwad, for the offences punishable under Sections 406, 420, 464, 465, 468, 469 and 471 of Indian Penal Code, 1860 and Sections 66 (C) and 66 (E) of Information Technology Act, 2000, the applicants be released on bail on executing a PR Bond in the sum of Rs.30,000/- each, with one or two sureties in the like amount.

II) The applicants shall co-operate with the investigation and attend Pimpri Police Station, Pimpri Chinchwad on 6th , 7th and 8th March, 2024 in between 10.00 am to 1.00 pm, and, thereafter, as and when directed by the Investigating Officer.

III) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

IV) Stand over to 26th March, 2024.

[N. J. JAMADAR, J.]