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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1612 OF 2024**

Sangeeta Anil Daspute
Age: 55 years, Occ: Business,
Flat No. 7, Vanraj Hari Apt., Shankar
Nagar, Gangapur Road, Nashik – 422007Applicant

Vs.

The State of MaharashtraRespondent
At the instance of Mata Ramabai
Ambedkar Marg, Police Station, Mumbai

**WITH
INTERIM APPLICATION NO. 2354 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1612 OF 2024**

Rupesh Kumar Bhaidas Ahire
Chairman of M/s. Renukamata
Sushikshit Berojkar Swaynrojgar
Seva Sahkari Sanstha Chopda
Age: 40 years, Occ: Business,
R/o 6/Roop Kiran, Yawal Road,
Chopda, District JalgaonIntervener

IN THE MATTER BETWEEN

Sangeeta Anil DasputeApplicant

Vs.

The State of MaharashtraRespondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1857 OF 2024**

Janardhan Vitthal Chandane
Age 55 years, Occupation Business

Resident at House No. 327, Shanti
Sadan, Boisar – Navapur Road
Near Z. P. Marathi School, Dhodi
Pada, Boisar, District Palghar, 401 501

.....Applicant

Vs.

The State of Maharashtra
At the instance of M.R.A. Marg
Police Station, Mumbai.

....Respondent

**WITH
INTERIM APPLICATION NO. 2693 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1857 OF 2024**

Rupesh Kumar Bhaidas Ahire
Chairman of M/s. Renukamata
Sushikshit Berojkar Swaynrojgar
Seva Sahkari Sanstha Chopda
Age: 40 years, Occ: Business,
R/o 6/Roop Kiran, Yawal Road,
Chopda, District Jalgaon

....Intervener

IN THE MATTER BETWEEN

Janardhan Vitthal Chandane

....Applicant

Vs.

The State of Maharashtra

....Respondent

Mr. Ashok Mundargi, Senior Advocate i/b Mr. Satyajeet P. Dighe for the
applicant in ABA 1612/2024
Mr. Sanjeev Kadam with Mr. Prasad Thonse and Mr. Prashanth Raul
for the applicant in ABA 1857/2024
Mr. Vivek Babar for the intervener in both applications
Mr. S. G. Talharf, APP for the respondent State in ABA 1857/2024
Mr. A. R. Metkari, APP for the respondent State in ABA 1612/2024

CORAM : GAURI GODSE, J.
DATE : 11th NOVEMBER 2024

ORDER:

1. Anticipatory Bail Application No. 1612 of 2024 is filed by accused no. 2 in the F.I.R. and Anticipatory Bail Application No. 1857 of 2024 is filed by accused no. 1. These applications are filed seeking pre-arrest bail in connection with C.R. No. 198/2024 dated 3rd June 2024 registered with MRA Marg Police Station for offences punishable under sections 465, 466, 467, 468, 471, 420, 474 and 120-B and 34 of the Indian Penal Code.

2. Learned senior counsel appearing for Sangeeta Daspute submitted that the main allegation against the applicant is with regard to submitting forged and fabricated experience certificate for securing the tender contract. He submits that on an application filed under section 156 of Code of Criminal Procedure, 1973 ('Cr.P.C.') by the complainant, an order was passed for registering the F.I.R. He submits that pursuant to the orders passed by this Court, all the necessary documents are supplied by the applicant before the investigating officer. He submits that necessary compliance made by the applicant is recorded by filing an affidavit dated 2nd June 2024 in this Court. Learned senior counsel has tendered an additional affidavit dated 11th

November 2024 regarding further compliance of submitting all the documents as per the requisitions issued by the investigating officer.

3. Learned senior counsel submits that with reference to the allegation regarding forged experience certificate from Hansa City Bus Services is concerned, the applicant relied upon the letter dated 17th June 2024, issued by the said firm confirming the issuance of experience certificate. With reference to the allegation of the certificate issued by Noble Pharma is concerned, learned senior counsel submitted that the allegation is that the said company is not in existence. He, however, submits that the record from the Registrar of Companies is produced before the investigating officer to show that the company is still in existence. With reference to the allegation regarding the certificate issued by Maharashtra Krushi Udyog Vikas Mahamandal is concerned, the allegation is also regarding forged certificate being submitted. Learned senior counsel submits that the applicant was unable to produce any verified letter as the said institute has refused to issue a verification letter as the police has threatened the institution from issuing any further correspondence. He submits that even the 5th institute i.e. St. Dominic's Ashram, Nagpur has also refused to issue any verification letter as they have been threatened by

the police.

4. Learned senior counsel submits that on a complaint being filed, the entire tender process has been cancelled. He submits that there is no allegation of any monetary benefit by the applicant pursuant to the tender process. He submits that the complainant is also into the same business. He further points out the statement in the F.I.R. which states that the complainant was unable to participate in the tender process due to some technical difficulty. He submits that, since the complainant was unable to participate in the tender process, he has filed a false complaint against these applicants who participated in the tender process. Learned senior counsel submits that the applicant still maintains that all the documents submitted by the applicant are genuine documents and would be proved during the trial. He submits that the investigation would pertain only to the verification of documents. He submits that custodial interrogation of this applicant is not required for completing the investigation. He submits that the applicant has always cooperated in the investigation and submitted all the documents and would also cooperate in any further investigation. He therefore submits that the interim protection granted to this applicant be confirmed.

5. Learned counsel appearing for Janardhan Chandane submits that the allegations against this applicant is also regarding submission of forged and fabricated documents. He submits that with reference to the allegation of GST certificate, the applicant has already submitted registration certificate. With reference to the allegation of the forged challan regarding payment to ESIC is concerned, learned counsel submits that the payment receipts are produced before the investigating officer. He submits that the allegations are only with regard to fabrication of documents and thus, the investigation would be only with reference to verifying the documents. Learned counsel relies upon the letter issued by ESIC regarding payments made by the applicant. He submits that the letter issued by ESIC is annexed to the application at page 39 and the certificate of registration is also annexed at page 44.

6. Learned counsel for the applicant further submits that the allegation regarding false turn over certificate issued by A.R.R. Associates is concerned, he submits that the applicant had produced on record the experience certificate issued from Boisar office; however, investigation refers to some correspondence from other office. He thus submits that all the allegations are regarding fabrication

of documents; hence, investigation would pertain to only verification of the documents. He submits that the custodial interrogation of this applicant is not necessary for investigation of the offence.

7. Learned counsel for the applicant further submits that all the necessary documents are submitted by the applicant pursuant to the requisitions issued by the investigating officer. He submits that the applicant has always cooperated and would also cooperate for any further investigation.

8. Learned APP submits that pursuant to the complaint filed regarding forged documents, necessary correspondence was made by the investigating officer. She submits that during investigation, it is revealed that the forged documents are submitted by the applicants. She relies upon the correspondence made with respective institutions whose certificates are produced by the applicants. She submits that the correspondence received by the investigating officer and the statements recorded during the investigation reveal that the documents are forged and fabricated. She submits that since the correspondence indicates fabrication of documents, custodial interrogation would be necessary to complete the investigation and

find out the source of fabrication. Learned APP, however, admits that pursuant to the complaint, the work order issued is cancelled. She further submits that the applicants were able to secure the work order based on fabricated documents. She thus submits that at this stage, custodial interrogation is necessary for completing the investigation regarding the forged documents relied upon by the applicants for securing the contract.

9. Learned counsel appearing for the intervener submits that the documents which were essential for securing the contract were forged documents. He submits that the tender was for contract to provide drivers for the ambulance. He thus submits that the applicants have committed a grave offence by submitting forged documents. He submits that by submitting forged documents, the applicants have cheated the government and possibly have also received monetary benefit. He submits that for completing the investigation, custodial interrogation of the applicants is necessary to find out the source of forged documents submitted by the applicants.

10. A perusal of the complaint refers to the allegations made regarding fabrication of documents. The correspondence relied upon

by the learned APP refers to verification of the documents which are allegedly forged. There is no dispute that the applicants have attended the concerned police station and submitted the documents as per the requisitions issued by the investigating officer. However, learned APP submits that the documents submitted by the applicants are not sufficient to complete the investigation. Learned APP further does not dispute that the applicants have submitted further documents to support their contentions that genuine documents were submitted by them. The correspondence and the statements relied upon by the learned APP reveals that further investigation is done to verify the documents submitted by the applicants. The affidavits produced by Sangeeta Daspute indicates further correspondence relied upon by her from the concerned institutes whose certificates are relied upon by her. The letter relied upon by the applicant as well as the correspondence relied upon by the learned APP would reveal that investigation is necessarily regarding verification of the documents.

11. Learned counsel for the applicant i.e. Janardhan Chandane also relied upon an acknowledgment of the documents submitted by him before the investigating officer. These applicants have till date cooperated in the investigation and have complied with the

requisitions. From the allegations in the complaint, it is clear that the investigation is necessarily regarding verification of the authenticity of the documents. Considering the nature of allegations, I do not find that the custodial interrogation is necessary at this stage. Learned counsel appearing for the respective applicants on instructions submit that the applicants would cooperate for further investigation and would attend the police station as and when called.

12. In view of the aforesaid, the applicants have made out the case for relief under section 438 of Cr.P.C. Hence, ad-interim protection granted in both the applications is confirmed by passing the following order:

ORDER

I. In the event of arrest of the applicants in connection with C.R. No. 198/2024 dated 3rd June 2024 registered with MRA Marg Police Station for offences punishable under sections 465, 466, 467, 468, 471, 420, 474 and 120-B and 34 of the Indian Penal Code, they be released on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.

II. The applicants shall attend the concerned police station and report to the investigating officer on 2nd Tuesday of every month between 11.00 a.m. to 4.00 p.m. till filing of the charge-sheet.

III. The applicants shall not directly or indirectly make any inducement, threat or any promise to any person acquainted with the facts of this case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

IV. The applicants shall keep the investigating officer informed of their address, e-mail id and mobile number and/or any change thereof if any, from time to time.

V. The applicants shall not leave India without prior permission of the Court.

13. Applications are allowed in the aforesaid terms.

14. I have heard the learned counsel for intervenor, hence, the Interim applications for intervention stand allowed.

[GAURI GODSE, J.]