

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

Anticipatory Bail Application No.2365 of 2024

Milind Kashinath Kamble

Age: 42 years, Occ: Business,

R/o: Dhamdeep Society, RPI Road,

Near RPI Office, Samrat Ashok Nagar,

Ulhas Nagar-3, Dist. Thane

... Applicant.

v/s.

The State of Maharashtra

Through Bhivandi City

Police Station, Mumbai

... Respondent.

....

Mr Prakash Wagh, i/b. VK Khandare, for the Applicant.

Mr Swapnil Pednekar, APP, for Respondent State.

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Coram : R.N. Laddha, J.

Date : 22 August 2024.

P.C. :

Heard Mr Prakash Wagh, the learned counsel for the applicant, and Mr Swapnil Pednekar, learned Additional Public Prosecutor representing the respondent/State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in C.R. No.605 of 2024, registered with Bhivandi City Police Station, Thane, for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

3. The Vanchit Bahujan Aaghadi nominated the informant as their candidate for the Bhiwandi Loksabha Constituency in the 2024 Loksabha Elections and provided him with an AB form for the purpose. The informant gave this form to the applicant/accused to complete, but the applicant took advantage of the similarity in their names and deceitfully filled out the form in his name instead.

4. Mr Prakash Wagh, the learned Counsel for the applicant, asserts that the applicant is innocent and has not engaged in any wrongdoing as alleged, with no elements of the offence applicable to him. Nothing is to be recovered from the applicant and he is willing and ready to cooperate with the investigation.

5. On the other hand, Mr. Swapnil Pednekar, the learned APP, emphasises the severity of the offence, which occurred during the election process and resulted in the informant being lost the opportunity of contesting the election due to this mischief.

6. This Court has given anxious consideration to the rival contentions and perused the records.

7. In the present case, the applicant is accused of exploiting a similarity in names to fraudulently and deceitfully submit an AB form in his own name, despite the informant being the nominated candidate

of the Vanchit Bahujan Aaghadi Party. The records show that the party had entrusted the informant with the AB form for the Lok Sabha Election, which the informant gave to the applicant for completion. However, the applicant allegedly betrayed this trust and filled out the form in his own name. India's electoral process is a vibrant and resilient mechanism that upholds the core democratic principles of freedom, fairness and transparency, serving as the foundation of the world's most populous democracy. It reflects the people's will and reinforces representative governance. The candidate selection process allows political parties to choose their preferred candidates for the ballot paper, guided by internal rules and procedures, with an expectation of transparency and fairness. However, in the present case, the applicant's actions undermined the integrity of the electoral process, a fundamental pillar of democracy. Considering the gravity of the offence, its far reaching impact on society, and the ongoing investigation, this Court is not inclined to exercise its discretion in favour of the applicant. The custodial interrogation of the applicant would be necessary to uncover the truth. As a result, the application stands rejected.

[R.N. Laddha, J.]