

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

ANTICIPATORY BAIL APPLICATION NO. 2607 OF 2024

Tufail Sharif Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

- Ms. Anima Mishra a/w Mr. Anuj Singh and Amit Ponde, for Applicant.
- Mr. Tanveer Khan, APP for Respondent.
- Mr. Ganesh B. Buwa, API, Igatpuri Police Station.

CORAM : MANISH PITALE, J.

DATE : 26th SEPTEMBER, 2024.

P. C. :

1. Heard, Ms. Mishra, learned counsel for the applicant and Mr. Khan, learned APP for the respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0186 of 2024, dated 25.07.2024, registered at Police Station Igatpuri, District Nashik, for offences under Sections 420, 465, 467, 468, 471 and 511 of the Indian Penal Code, 1860 (IPC).

3. The first informant in the present case is the Taluka Health Officer of Panchayat Samiti, Igatpuri. It is alleged that the applicant has forged two orders of the office of the Panchayat Samiti dated 08.03.2015 and 14.12.2017 and this came to light recently, due to which the FIR came to be registered.

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4. The learned counsel for the applicant submits that the FIR is nothing but a counterblast because the applicant had filed an appeal challenging the act of the Panchayat Samiti in keeping the applicant on basic pay, due to alleged defaults on his part. The appeal was partly allowed, due to which there was certain financial component due to him. The same was not being paid, due to which on 02.11.2023, the applicant was constrained to send a communication to the Collector, Nashik with copies to Higher Authorities, stating that if the financial dues payable to him, as consequence of the appeal being partly allowed, are not paid, he would take the extreme step of self-immolation. It is submitted that thereafter, this concocted story has been built by the Panchayat Samiti, only to foist criminal liability on the applicant. It is submitted that the applicant is ready to cooperate with the investigation.

5. The learned APP, on the other hand, submits that the statement of the informant, who is a responsible Officer of the Panchayat Samiti, indicates that serious offence of forgery is alleged against the applicant. There are specific orders of Panchayat Samiti that are said to have been forged at the behest of the applicant. Hence, it is submitted that this Court may not show indulgence to the applicant.

6. This Court is inclined to allow the application as a strong *prima facie* case is made out as it appears that the first informant as an officer of the

Panchayat Samiti, on behalf of certain officers of the Panchayat Samiti has caused the FIR to be registered, due to the ongoing grievance of the applicant regarding financial dues payable to him in the light of the aforesaid appeal being partly allowed. The letter at Exhibit “B” dated 02.11.2023, *prima facie* shows the state of frustration and desperation in which the applicant has found himself due to the financial dues not being paid to him. It appears that due to the friction between the applicant and the officers of the Panchayat Samiti, the aforementioned FIR has been registered. This is, ofcourse, a *prima facie*, conclusion. But, as the applicant undertakes to cooperate with the investigation, this Court does not find any reason for his physical custody to be taken in the facts and circumstances of the present case.

7. In view of the above, the application is allowed in the following terms :

- (A) In the event the applicant is arrested in connection with FIR No.0186 of 2024, dated 25.07.2024, registered at Police Station Igatpuri, District Nashik, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 30th September, 2024, between 10:00 a.m. and

12:00 noon and thereafter as and when called by the Investigating Officer.

- (C) The applicant shall cooperate with the investigation.
- (D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

9. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

10. The application is disposed of.

(MANISH PITALE, J.)