

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

ANTICIPATORY BAIL APPLICATION NO. 2989 OF 2024

1. Kishor Arjun Jadhav
2. Dipak Krushna Jadhav ...Applicants
Versus
State Of Maharashtra ...Respondent

Mr. Vaibhav D. Kadam a/w. Mr. Kalpesh M. Karkera for the Applicants.
Ms Shilpa Talhar, APP for the Respondent-State
Mr. Umesh Gound, PI, EOW Mumbai present.

CORAM : M. M. SATHAYE, J.

**DATED : 29 OCTOBER 2024
(Vacation Court)**

P.C.:

1. Heard learned Counsel for the Applicants / Accused and the learned APP for the Respondent-State.
2. The Application is filed for pre-arrest bail in connection with the Crime No. 57 of 2024 registered with Economic Office Wing, Unit VII (Crime No. 318 of 2024 initially registered at Azad Maidan Police Station) for the offence punishable u/s. 3(5), 61(2), 316(2), 318(2)(3)(4), 319(2), 335, 336(2)(3), 337, 338, 339 and 340(2) of the Bharatiya Nyaya Sanhita, 2023
3. Perused the order dated 11/10/2024 passed by Designated Judge under MPID Act, C.R. No. 20, City Civil & Sessions Court, Greater Bombay by which the Applicants' Anticipatory Bail Application was rejected.

4. Perused the FIR dated 11/09/2024 filed by Mr. Chirag Narendra Shah. The allegations against the Applicants are that in the execution proceedings before this Court, the Applicants have filed false affidavits of transfer of Rs.10.00 Crores each, in the bank account of the Prothonotary and Senior Master of this Court, when no such amounts were actually transferred by NEFT/RTGS.

5. It is a common ground before the Court that the present FIR is filed pursuant to order of this Court dated 06/08/2024 in IA(L)/16702/2023 in which, this Court has directed in paragraph no. 30 as under:

“30. Let the police authorities register a First Information Report in this matter at the instance of the Applicant, within a period of two weeks and thereafter the investigation be preferably completed within a period of three months, keeping in mind the above *prima facie* observations of this Court and submit report to this Court in addition to taking steps as per law including filing of chargesheet against concerned persons.”

6. Learned Counsel for the Applicants submitted that the Applicants have not sworn the affidavits with dishonest intention. The Applicants are illiterate and poor persons and on the representation of co-accused Mr. Harshwardhan Sabale, the Applicants had signed affidavits in connection with ‘the job to be given to the son of the Applicant No. 1’. It is submitted that the Applicants have no knowledge of contents of the affidavits when they signed the same. It is further submitted that Applicants had no intention to execute false affidavits.

7. Learned APP on the instructions from the Investigating Officer, who is present in the Court, has submitted that the Applicants have executed false affidavits with the knowledge of the contents therein and the Notary

Advocate had explained contents of affidavits to the Applicants when they signed the same. It is further submitted that the Applicants had taken Rs.45,000/- from the said Harshwardhan Sabale for executing the affidavits.

8. Considering the facts and circumstances narrated above, I find that plea of the Applicants that they had no connection with the transaction involved and that they have only sworn the affidavits being illiterate and poor, for getting a job for the son of the Applicant No. 1 is too specious and further investigation is necessary in the present matter. There is no denial of the fact that the affidavits are actually filed in the Court. Learned APP has shown to the Court the copies of the affidavits, which are actually filed in the Court by the Applicants. Copy of the said affidavits and copy of the order dated 06/08/2024 tendered by learned APP is taken on record. Perusal of the copies of affidavits sworn by the Applicants would show that they have signed as authorised signatories of 'Balasaheb Education Services Trust' and 'Balasaheb Yuvak Sanghatana (Society)'. No apparent connection of these entities are either shown or explained.

9. In the above facts and circumstances, no case is made out for grant of Anticipatory Bail and as such, the Application is rejected.

10. All concerned to act on duly authenticated or digitally signed copy of this order.

(M. M. SATHAYE, J.)