

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

ANTICIPATORY BAIL APPLICATION NO. 3122 OF 2024

Mahendra Vishram Garud	...	Applicant
Versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. Shardul Singh i/by Suganda K. Zende for the Applicant.
Mr. Tanveer Khan, APP for Respondent No.1-State.
Mr. P. D. Gaikwad, API, Wakad Police Station.

CORAM: MANISH PITALE, J.
DATE : 25th NOVEMBER 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0995 of 2023 dated 12th October 2023 registered at Wakad Police Station, Dist. Pimpri-Chinchwad, for offences under Sections 420, 465, 468 and 471 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is the supervisor of an agency that provides security guards to various entities. The allegation against the named accused persons is that they provided fabricated and concocted documents to show their education qualifications, but when enquiries were made, it was found that

they were not students of the school from where they claimed to have passed 9th standard examination.

4. It appears that the name of the applicant was subsequently added as accused in the present case. The learned counsel for the applicant submits that there is no material, other than statements of some co-accused persons, to link the applicant with the offence in question. It is submitted that the applicant is the President of a Union of Security Guards and in that capacity, he is agitating issues concerning security guards by filing writ petitions before this Court. It is submitted that the applicant is ready to cooperate with the investigation and therefore, the present application may be allowed.

5. On the other hand, the learned APP relied upon the statements of co-accused, as also the statements of the witnesses, which according to him, link the applicant with the offence in question. It is submitted that since this case involves serious allegations of fabrication of documents and cheating, no indulgence may be shown to the applicant.

6. Having heard the rival submissions, this Court is inclined to allow the present application, for the following reasons :

- (a) The applicant is not named as an accused in the FIR and in the statement of the informant, there does not appear to be any role attributed to the applicant.

- (b) It appears that the name of the applicant has been added as an accused, primarily on the basis of statements given by co-accused persons.
- (c) A perusal of the investigation papers revealed that the statements of the co-accused persons and some other alleged witnesses, show that certain amounts were collected by the applicant from them. But, with reference to such amounts, it is recorded in those statements that such amounts were to be utilized for expenses incurred for filing petitions for the benefit of security guards, through the Union, of which the applicant is the President. *Prima facie*, the statement regarding amounts being collected by the applicant in that context, cannot be linked with the allegation of fabrication of certain documents.
- (d) The reference to such documents being fabricated in the statements of witnesses is in the context of the FIR having been registered against the named accused persons and in that regard, when enquiries were made by the witnesses, they were told that the applicant had a role in same. This, at best, would qualify as a hearsay statement and therefore, at this stage, there appears to be lack of material to link the applicant to the serious allegations of cheating and fabrication.
- (e) The applicant is ready to cooperate with the investigation

and hence, this Court is inclined to allow the application.

7. For the reasons recorded hereinabove, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0995 of 2023 dated 12th October 2023 registered at Wakad Police Station, Dist. Pimpri-Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 7th December 2024 between 10:00 a.m. and 12:00 noon (in the light of the applicant appearing for certain examinations till 6th December 2024) and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person 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. 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.

9. The application is disposed of.

MANISH PITALE, J.