



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

ANTICIPATORY BAIL APPLICATION NO. 2314 OF 2024

SHAILESH SHAMRAO SHINDE

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Mr. S. B. Talekar a/w. Ms. Madhavi Ayyappan i/b. Talekar and Associates for the applicant.

Mr. Nitin D. Patil, APP for the State.

CORAM : RAJESH S. PATIL, J.

DATE : JANUARY 28, 2025.

P.C. :

1. This is an application filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in First Information Report (FIR) No. 220 of 2024 registered with Bhayandar Police Station, District Thane, under sections 420, 465, 468, 469, 471 of the Indian Penal Code.

2. The gist of the FIR is that the applicant was working as Junior Engineer with the Mira-Bhayandar Municipal Corporation. It is the case of the prosecution that while working in various departments of the Corporation including that of the Property Management

Department, in March 2024, when the cupboard of the applicant was inspected, files were searched, and it was found that the applicant being a Junior Engineer has forged the signatures of the Deputy Engineer and the Executive Engineer and by doing so, he had managed to grant permissions to 14 stalls by giving license by accepting a sum of Rs.2 lakhs from each of them and cheated the Corporation. It is further the case of the prosecution that several persons have filed complaints against the present applicant. It is their case that one person by name Kiran Kolekar has also filed a complaint against the applicant regarding cheating him by taking money. It is further submitted that in ten files similar mobile number was found and there is a possibility of big racket. Therefore, it has to be investigated further whether any other private person or officer or employee of Municipal Corporation is involved in this scam. Therefore, the custodial interrogation of the applicant is necessary.

3. Mr. S. B. Talekar, the learned counsel appearing for the applicant submitted that the applicant has cooperated whenever he has been called. Therefore, there was no need of custody of the applicant. He submitted that the applicant is under suspension.

4. Mr. Nitin Patil, the learned APP appearing for the State submits

that the applicant is a Government servant who has forged the signatures of his seniors by doing so and allotted stalls to different people and has violated the procedure further by not keeping the distance between the two stalls as meant by the rules of the Corporation. He submitted that there is large possibility of a big racket wherein many persons from the Corporation might be part of. He submitted that the various people have come forward and complained about the act of the applicant. Therefore, according to him, there is no merit in the application and the same deserves to be rejected.

5. I have heard the learned counsel for the applicant and the learned APP for the State.

6. In the FIR, it is the specific case of the prosecution that the applicant being Government servant has forged the signatures of the Deputy Engineer and the Executive Engineer and to that effect atleast 14 files were found in his cupboard. There are various complaints made by the individuals against the applicant that he has accepted bribe of Rs.2 lakhs per stall, and he has cheated many persons by giving illegal licenses, which are not signed by the authorized Deputy Engineer and further by the Executive Engineer.

7. Taking into consideration the overall conduct of the applicant as mentioned in the FIR and also the fact that the prosecution is suspecting there is a big racket involving other employees and private persons who have cheated people by giving away illegal stalls. The custody of the applicant would be necessary for interrogation. The applicant is under suspension. I find there is no merit in the present application, hence, the same is rejected.

(RAJESH S. PATIL, J.)