

MHCC02-017091-2022

IN THE COURT OF SESSIONS FOR GREATER BOMBAY
ANTICIPATORY BAIL APPLICATION No.2788 OF 2022

1. Pankaj Laxman Zanke

Age 42, Occ : Service,

Address : C/7 A, Rewa Fort Colony,
Kala Killa, Sant Rohidas Marg, Near,
Datta Mandir, Mumbai 400 017.

2. Mrs. Vandana Pankaj Zanke

Age 36, Occ : Housewife,

Address : C/7 A, Rewa Fort Colony,
Kala Killa, Sant Rohidas Marg, Near,
Datta Mandir, Mumbai 400 017.

... Applicants

- Versus -

The State of Maharashtra
(Through Dharavi Police station,
vide Cr. No.1198/2022)

... Respondent

Appearance :-

Advocate Abhishek Mishra for applicant.

A.P.P. Lade for State / Respondent.

**CORAM : SHRI. S.D. KULKARNI,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM No. 30.
DATED : 29/12/2022.**

ORDER

. This is an application filed u/sec.438 of Code of Criminal Procedure for grant of anticipatory bail in connection with CR.No.1198/2022 registered in Dharavi Police Station for the offence punishable u/sec. 406,420,465,467,468,471, 34 of IPC.

2. It is alleged by the applicants that they are falsely implicated in the present case. The crime against applicants / accused was registered merely because they are the relatives of main accused. The applicants already visited the concerned Police Station. Their statement was also recorded. Therefore, if accused released on bail it will not affect on the collection of evidence. The co-accused is having transaction terms with the applicant therefore, on regular basis amount was transferred by co-accused to the present applicant and vice versa. Merely the co-accused has transfer some amount in favour of the applicants / accused. It could not be said that they have played any role in the commission of offence. The co-accused already release on bail by the Hon'ble High court. On the ground of parity applicant / accused is entitled to be released on bail. The applicants / accused further alleges that they have not received any amount either from the informant or witnesses. Thus if could not be said that they have to deceived either to the informant or witnesses. The applicants / accused are permanent resident of Mumbai. They work business in this city therefore, there is no question of flee away from justice. Hence, prayed for releasing them on anticipatory bail.

3. The prosecution opposed the application by filing reply vide Exh.3. The prosecution alleges that the name of the accused was mentioned in the first Information report. It is further alleged by the prosecution that the amount of Rs.1,00,000/- and Rs.2,46,500/- respectively transfer by the co-accused in the name of applicant / accused and by keeping some amount they have again transferred the amount to other accused. It is further alleged that the accused persons fabricated agreement, ration card, electricity bill so it is necessary to investigate how accused has prepared the same. Hence, prayed for

rejection of the application.

4. Perused application, say filed by the prosecution. Heard both the advocate at length.

5. The contention of the applicants that they are falsely implicated in the alleged crime only being relative of Vaibhav Zanke. There is a delay of 6 years in filing the report. The applicants assist the Investigation Agency therefore investigation can be carried out without their arrest.

6. I have gone through the FIR, statement of informant, bank statement of applicant / accused. So it shows that amount of Rs.2,46,500/- received by the applicant No.2 from co-accused. On going through the report it also reveals that applicant No.1 was serving in the printing press so prosecution alleges that the bogus agreement, ration card, electricity bill was prepared by him with the help of other persons. So it is necessary to investigate how accused persons fabricated the agreement, ration card, electricity bill and other documents.

7. These accused persons are deceived the needy people who is in search of the room and slightly for the less amount. The intention of the accused is since from beginning to deceive the informant and witnesses. Therefore, if accused release on anticipatory bail how they fabricated agreement, ration card, electricity bill will not be revealed therefore, for detail investigation in my opinion custodial interrogation of the accused is necessary and justified. The applicants / accused prayed for releasing him on the ground of parity but the role of this accused is different. The serious allegation against the applicant that he

was working in the printing press and he has fabricated agreement, ration card, electricity bill therefore applicants are not entitled for the relief as prayed. Considering this, I pass the following order.

ORDER

1. Anticipatory Bail Application No.2788 of 2022 stands rejected.
2. Anticipatory Bail Application No.2788 of 2022 is disposed off accordingly.



Date : 29/12/2022.

(**S.D. KULKARNI**)
Additional Sessions Judge,
Gr. Mumbai.

Dictated online on : 29.12.2022
Signed by HHJ on : 30.12.2022

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
02/01/2023	3.30 p.m.	J.S. Chavan
UPLOAD DATE	TIME	NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.)	H. H. Additional Sessions Judge Shri. S.D. Kulkarni, Court Room No. 30.
Date of Pronouncement of ORDER	29/12/2022
ORDER signed by P.O. on	30/12/2022
ORDER uploaded on	02/01/2023