

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

ANTICIPATORY BAIL APPLICATION NO. 2308 OF 2023

Lingaiah Gopal Mandugula ...Applicant
Versus

State of Maharashtra ...Respondent

AND

ANTICIPATORY BAIL APPLICATION NO. 2312 OF 2023

Shanker Mandugula Lingaiah Mandugula ...Applicant
Versus

State of Maharashtra ...Respondent

Mr. Niranjan Mundargi, a/w Sarthak Shetty, i/b
Ravishankar Dwivedi, for the Applicant.

Ms. Geeta Mulekar, APP for the State/Respondent.

Mr. Sohan Kadam, API, Kandivali Police Station, Mumbai,
present.

CORAM: N. J. JAMADAR, J.

DATED: 25th AUGUST, 2023

Order:-

1. Heard the learned Counsel for the parties.
2. These applications are preferred for pre-arrest bail in connection with CR No.333 of 2023, registered with Kandivali Police Station, Mumbai, for the offences punishable under Sections 419, 420, 465, 467, 468, 469 and 471 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3. The indictment against the applicants is that the applicants are the contractors through whom contract labour has been supplied to Adani Electricity Limited, Mumbai, (the Company) of which the first informant is Assistant Vice President (Security). Nasir Walimohammed Shaikh, Muthumar Samual Shetty and Anjaya Laxman Kamati were the old contract workmen, who rendered services at the premises of the company. It transpired that three of the workmen namely Arun Balu Padiyachi, Jacob Chinappa Chetty and Satyaraj Vyankatesh Udiyar had worked with the company by using forged documents like AADHAR Card and PAN Card of old workmen. Jacob Chetty is working through applicant Lingaiah. Hence, the first informant lodged a report for the offences punishable under Sections 419, 420, 465, 467, 468, 469 and 471 of the Penal Code.

4. The learned Counsel for the applicant – Shanker Mandugula in ABA/2312/2023 submitted that the applicant had supplied a number of workmen. The applicant has no role in the alleged forgery of the documents establishing the identity of the particular workmen.

5. The learned APP, on the other hand, submitted that the statement of the concerned workmen has been recorded and

it revealed that the applicant in ABA/2312/2023 has forged the documents of the said workmen.

6. The learned APP fairly submitted that there is no material to show *prima facie* involvement of Lingaiah Mandugula the applicant in ABA/2308/2023.

7. Evidently, the implication of the applicant Shanker Mandugula (ABA/2312/2023) is based on the statement of the workmen who allegedly used the forged documents to work with the company. Since the applicant Shanker claims to have employed a number of workmen at the company in the normal course of business, the statement of the concerned workmen, who allegedly used the forged documents as genuine cannot be taken at par, at this stage. Hence, the applicant Shanker is entitled for interim protection.

8. So far as applicant Lingaiah Mandugula, (ABA/2308/2023), I am persuaded to allow the application as there is *prima facie* no material to connect him with alleged offences.

9. Hence the following order:

: O R D E R :

(i) ABA/2308/2023 stands allowed.

- (ii) In the event of arrest of the applicant Lingaiah Mandugula in CR No.333 of 2023, registered with Kandivali Police Station, Mumbai, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) In the event of the arrest of the applicant Shanker Mandugula in CR No.333 of 2023, registered with Kandivali Police Station, Mumbai, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (iv) The applicant Shanker shall cooperate with the investigation and attend Kandivali Police Station on every alternate Sunday from 10.00 am. to 12.00 noon till the next date.
- (v) The applicant Shanker shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses or any person acquainted with the facts of the case.
- (vi) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

ABA/2308/2023 stands disposed.

ABA/2312/2023 be listed on 29th September, 2023.

[N. J. JAMADAR, J.]