

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 784 OF 2015

Govind Pandurang Gade

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Amin Solkar Advocate for Applicant

Ms. P. P. Shinde APP for the State.

Mr. A. Popat Avhad A.P.I. J. J. Marg Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 24th JUNE 2015

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 315 of 2014 registered at J. J. Marg Police Station for offence punishable under sections 465, 467, 468, 471, 420 & 120 (b) of Indian Penal Code.

2) It is the case of prosecution that one Smt. Meena Sonavane, Matron of J. J. Hospital, Mumbai who was in charge of principal found that one librarian Azruddin Sheikh employed in the said institute had produced one certificate issued by Institute of Rural Development and Multipurpose Technical Training Centre, Shirur, Dist. Pune to the effect that he has completed diploma as librarian from the said institute and prayed for hike in his pay

ism

scale. Upon enquiry, it was revealed that the said institute was not in existence as per the records maintained by Technical Board of State of Maharashtra. It was further revealed that applicant is founder of the said institute and had made false representations that his institute was recognized by the State of Maharashtra and had cheated several students. On the basis of report, crime no. 315 of 2014 was registered.

3) In the course of investigation, the statement of applicant was recorded on 17/12/2014 by Investigating Officer. He had categorically stated that vide Government G.R. dated 16/04/1972, institute of Rural Development and Multipurpose Technical Training Centre, Shirur, Pune was recognized by the Government of Maharashtra and was permitted to hold classes and on the basis of the said GR, he was conducting the classes. Applicant had categorically admitted that he had given certificate in favour of Mohammed Azruddin Sheikh as having completed six months course as librarian. He had admitted that it was a sham certificate. It is also admitted that in the year 2010, he had designed a web through Rahul web designer and put it on the website of the institute. He had also put Government GR on the website. He had admitted that Government Resolution pertains to only postal D.ed,

whereas he had misrepresented that he is authorized to conduct other courses also. It is admitted that the said certificates have no authenticity whatsoever. It is also admitted that he has given such certificates to about 50 to 60 people. Government of Maharashtra, Department of Education and Research and Technical Council have constrained to issue public notice that Government has not authorized institute run by applicant who conducted D.ed courses and that he has indulged into cheating. Certificates issued by said institute are not authentic and hence, will not be considered.

4) There is sufficient evidence on record collected in the course of investigation to show that applicant has issued fake certificates showing that candidates have completed library science course of six months. The brochure of the said institute also shows that the institute is recognized by Government of Maharashtra. He has forged Government Resolution dated 16/04/1972 and he has got permanent recognition. It is also stated in the G.R. that Government of India would hold annual inspection and only on finding unsatisfactory performance, the recognition would be withdrawn.

5) Upon perusal of papers of investigation, it is clear that applicant has indulged into fabricating false documents. It is pertinent to note that similar

allegations were made against the applicant on the earlier occasion. He was accused in R.C.C. no. 103 of 1997. By Judgment and Order dated 29/11/2004, he has been acquitted by Judicial Magistrate First Class. In the said case, accused had placed reliance upon prospectus of the institution. In that case, original alleged certificate was not on record. It was in custody of Prajakta Matonkar. It was held in the said judgment that there was no proof at the office of institution disclosing issuance of bogus certificate and of running D.ed costal course. In view of it, applicant was acquitted. Upon perusal of the judgment it is clear that there were lapses in the course of investigation as well as at the time of trial and applicant had got benefit of the same. However, in the present case, investigation papers prima facie disclose that applicant has committed offence alleged against him. In view of this, application deserves to be rejected.

ORDER

- (i) Application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)