

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.790 OF 2015

Kirankumar Hansakumar Scindia	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Aniket Nikam, Advocate for the Applicant.
Mr. Arfan Sait, APP, for Respondent – State.
Mr. Prakash Naik, Advocate for the Complainant.
Mr. P.P. Kadam (PSI), Pimpri police station, Pune present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 12, 2015**

P.C.:

. This application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 465, 467, 468 and 471 of Indian Penal Code. The complaint is lodged at the instance of one Tuljo Lakhani. Pursuant to which offence is registered vide C.R. No. 218 of 2015 at Pimpri police station, Pune.

2. It is the case of prosecution that one Hari Motiram Khatri @ Haresh Aswani, the co-accused, wanted to contest Co-operative Bank election at Pimpri in 2015. The documents were submitted by the candidate including his provisional degree certificate of Periyar University.

He was found not eligible to contest the election for the compliance of the conditions. At that time it was found that the provisional degree certificate which was submitted by him and issued by the Controller of Examination, Periyar University, Tamil Nadu is forged. Hence, the offence was registered against Hari Motiram Khatri @ Haresh Aswani and during interrogation, police found that the impugned degree certificate dated 17th August, 2011 was issued by the applicant/accused.

3. The learned counsel for the applicant/accused submitted that applicant/accused is running one institute by named "*Success Institute*" and is having tie up with one "*Jetro Education*". The applicant/accused then contacted a person of Periyar University, Salem, Tamil Nadu. He was an agent who works for getting the provisional certificate and the applicant/accused had gave Rs. 8,000/- to him and thereafter a certificate was obtained through that person. He pointed out that on page 28 (Exh-E) is a true certificate issued by the Periyar University in the name of Hari Motiram Khatri. It shows that the co-accused had in fact appeared for the examination and he had passed through Periyar University. He submitted that under such circumstances the accused is innocent and his custodial interrogation is not required. He submitted that he is ready to cooperate the police.

4. The learned prosecutor opposed the application. He submitted that the provisional certificate dated 17th October, 2014 is a bogus certificate and the custody of the applicant/accused is required.

5. Perused the first information report. Perused both the certificates i.e. true and fake. *Prima facie* it appears that the certificate dated 17th October, 2014 is a forged document. The signature of the controller of the examination is different than the signature of controller of examination in the second certificate. The contents are also varying. *Prima facie* I am of the view that the custody of the applicant/accused is required for interrogation to find out how this certificate was obtained and prepared.

6. Hence, rejected.

(MRS.MRIDULA BHATKAR, J.)