

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

ANTICIPATORY BAIL APPLICATION NO.151 OF 2017

Shri Manoj Madhukar Bhosale ... Applicant

Vs.

The State of Maharashtra .. Respondent

Mr.Hrishikesh Giri i/b P.M. Patil for the Applicant
Ms.S.S. Kaushik, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 30, 2017

P.C. :

1. This application is moved by the applicant/accused for pre-arrest bail under section 438 of Criminal Procedure Code as the applicant/accused is prosecuted for the offences punishable under sections 420, 465, 466, 468, 471 r/w section 34 of the Indian Penal Code registered at C.R. No.94 of 2015 with Shivajinagar Police Station on 21.5.2015. The offence is registered at the instance of Kashinath Jagtap, Senior Police Inspector, Swargate Police Station, Pune. For the offence of murder, the son of the applicant/accused is prosecuted and was arrested. When the son of the applicant/accused was remanded to Judicial Custody,

application for bail was filed by the father i.e., the applicant/accused who produced school leaving certificate wherein the date of birth of Tushar was forged. The true date of birth was 1996, however, it was scored off and forged to appear 28.12.1997 and with a view to show that he is a juvenile and the Court had acted upon it and transferred him and treated him as a juvenile. Therefore, he was transferred to remain. This was noticed by the learned J.M.F.C. and as per his directions, the Senior P.I. registered the offence as mentioned above.

2. The learned Counsel for the applicant/accused has submitted that school leaving certificate was genuine and the applicant/accused has not committed any forgery. He is falsely implicated in this case.

3. The learned Prosecutor has opposed the application.

4. Perused the FIR. Fraud is played on the Court and hence, no pre-arrest bail can be granted in this case. Moreover, it is surprising that though the offence was registered at the instance of Senior Police Inspector, no efforts were made by the police to

arrest the applicant/accused. The offence is cognisable and non-bailable. In view of this, the Anticipatory Bail Application is rejected.

5. A copy of this order be forwarded to the Commissioner of Police, Pune, who is expected to look into the matter.

(MRIDULA BHATKAR, J.)