

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

CRIMINAL BAIL APPLICATION NO. 539 OF 2017

Rashid Rafiq Kadri

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Induprakash Tripathi i/b. Mr. Santraj Rampyare for the
applicant.

Smt. Veera Shinde, APP for the respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 29 JUNE 2017

P.C. :

1. The applicant is arrested in connection with CR. No.177 of 2016 registered with J. J. Marg Police Station, Mumbai. The applicant was arrested on 11 November, 2016.

2. The prosecution case is that the complainant's son wanted to take admission for MBBS course after passing 12th standard examination. The complainant was introduced to the applicant by one of acquaintance stating that the applicant will get admission for his son. The applicant informed the complainant that he will have to spend an amount of Rs.15 lakhs for getting admission. The amount of Rs.5 lakhs was deposited as advance with the applicant. Thereafter, the applicant / accused allegedly produced false caste certificate showing that the complainant's son belongs to Schedule

Tribe. The complainant was thereafter introduced to Dr. Mirza, co-accused, who assured that the admission will be given to the complainant's son. Thereafter, the complainant's son was admitted for MBBS Course. Subsequently, it was revealed that the complainant's son has used a bogus certificate and an enquiry was ordered. The FIR was registered against the complainant's son. The applicant, Dr. Mirza and others were shown to be involved in the present crime.

3. Learned advocate for the applicant submitted that he has only introduced the complainant and his son to Dr. Mirza. The applicant has not played any major role. The principal role is played by the co-accused Dr. Mirza. He further submitted that the caste certificate was allegedly forged by the co-accused and the applicant is not concerned with the forgery. The applicant is in custody since date of arrest and the chargesheet has been filed.

4. Learned APP submitted that the applicant has played a major role in the said crime. The applicant is the person who demanded an amount of Rs.15 lakhs from the complainant and assured that the complainant's son will be admitted in the MBBS Course. The applicant acted in connivance with the principal accused Dr. Mirza. The applicant is involved in serious crime. She further submitted that the applicant is having criminal antecedents and is involved in four cases.

5. Learned Advocate for the applicant, however, submitted that the cases registered vide CR No. 299 of 2012 and CR No.587 of 2014, were settled with the complainants and only two cases are pending

against the applicant which are relating to offence of criminal trespass.

6. Perused FIR and the other material on record. On reading the FIR, it is apparent that the applicant has played important role in committing the said crime. The applicant had collected the amount from the complainant. He also handed over the forged certificate to the complainant. He had played an active role in the crime. Looking into the nature of the crime committed by him, bail cannot be granted to the applicant.

:: ORDER::

. Bail Application No.539 of 2017 is rejected.

[PRAKASH D. NAIK, J.]