

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1024 OF 2017

Kavish B. Shah	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Rohan Sonawane for Applicant.
Smt.Veera Shinde, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th June 2017

PC :

1. This is an application for anticipatory bail in connection with CR No.318 of 2016 registered with Marine Drive Police Station for offence under Sections 465, 467, 468, 471, 420 of Indian Penal Code.

2. The case of the prosecution is that as per the instructions received from the Directors of Jamnalal Bajaj Institute of Management Studies, the complainant was handling the admission process of new students for the academic year 2016-17. The admission process for the said year had commenced in the month of May-2016. It is alleged that five students including the Applicant, had submitted on-line admission forms and necessary documents for admission to First Year of MMS course. The students had submitted their forms along with copies of necessary documents to the Director of Technical Education on its e-mail address. The complainant

received a confidential letter stating that the said students had submitted bogus certificates to secure admissions with the complainant institute. The complainant was directed to initiate appropriate action. In pursuance to that, the first information report was registered.

3. The Applicant preferred an application for anticipatory bail before the Sessions Court which was rejected by order dated 8th June 2017. Hence he has preferred present application.

4. Learned advocate for the Applicant submitted that the Applicant is a student and in the event of arrest, irreparable damage will be caused to him. It is submitted that the main accused Mr.Ibrahim Noorani has been attributed the role of fabricating the documents and the said accused has been arrested. It is further submitted that the students who were attributed with similar overt act has been granted anticipatory bail by the Sessions Court vide order dated 20th December 2016. He also pointed out the order passed by this Court in Anticipatory Bail Application No.2028 of 2016 wherein this Court had granted anticipatory bail to the accused who were involved in similar case. He further submitted that custodial interrogation of the Applicant is not necessary.

5. Learned APP submitted that the Applicant-accused had submitted forged documents. She further submitted that the Sessions Court while rejecting his application had taken into consideration the order passed in favour of other accused by the Sessions Court and in spite of that the application is rejected.

6. I have perused the documents on record. The Applicant is a student. The prosecution has attributed the role to the main accused Mr.Ibrahim Noorani with reference to fabrication of documents. The co-accused who were also the students, were granted anticipatory bail by the Sessions Court. Even this Court has granted similar relief to the students who had committed the similar offence. In the light of the aforesaid circumstances, I am inclined to allow this application. Hence, I pass following order :

(i) In the event of arrest of the Applicant in connection with CR No.318 of 2016 registered with Marine Drive Police Station, Mumbai, the Applicant may be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The Applicant is directed to attend Marine Drive Police Station, Mumbai once in a week on every Saturday between 11.00 a.m. and 1.00 p.m. till filing of charge sheet;

(iii) The application stands disposed of.

(PRAKASH D. NAIK, J.)

MST