

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1140 OF 2017

Aqueel Jaweed Kadri .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.Pathan, Advocate, for the Applicant

Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.08.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.262 of 2017 registered with the D.N.Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code.

3. Learned counsel for the Applicant states that the Applicant is a student aged 20 years. He submitted that the Applicant had taken admission for the Computer Engineering Course at SPIT College, Andheri(W), Mumbai, on the basis of an alleged forged and fabricated

Caste Certificate. He submitted that this Court in similar cases had granted protection under Section 438 of the Code of Criminal Procedure to such students. He submits that the Applicant has co-operated with the investigation and as such, custodial interrogation of the Applicant is not necessary. He further submits that the Applicant is not a person, who is alleged to have committed forgery of the Certificate, but is alleged to have obtained the said Certificate and used the same for admission.

4. Learned APP does not dispute the fact, that the Applicant is a student and that the Applicant has reported to the investigating officer of the concerned police station as directed by this Court vide Order dated 04.07.2017.

5. Perused the papers. According to the prosecution, the Applicant took admission to Computer Engineering Course at SPIT College, Andheri(W), Mumbai, on the basis of a bogus caste validity certificate. It appears that after the offence was registered, the Applicant's admission was cancelled and an FIR was registered as against the Applicant and other co-accused. It is not the prosecution case, that the Applicant has forged the said caste validity certificate. The Applicant has reported to the investigating officer of the concerned

police station. The Applicant is a student and the concerned institute has already taken action against him, by cancelling his admission. It also appears that in similar cases, this Court has protected students.

6. Considering the aforesaid, the Application is allowed the Applicant is granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.20,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** till the filing of the charge sheet;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and are confined to this Application.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)