

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1640 OF 2017

Jay Dilip Shah .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. R. Salpuram, Advocate, for the Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 25.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.I-338 of 2016 registered with the Matunga 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 submits that the Applicant is a student of Welingkar Institute of Management, Development and Research, Matunga. He submitted that admittedly, the Applicant is not alleged to have forged or fabricated the Caste

Certificate. He submitted that it was Ibrahim Noorani who took the Applicant's Email ID and password as well as Rs.50,000/- cash and secured admission for the Applicant in the said college i. e. Welingkar Institute of Management, Development and Research, Matunga.

4. Learned APP opposes the Application.

5. Perused the papers. According to the Complainant – Santosh Raghunath Tendulkar, the Applicant was selected for the MMS course under the reserved quota. He has alleged that the Caste Certificate supplied by the Applicant alongwith the admission form was found to be forged and fabricated and accordingly, the Applicant's admission was cancelled. It appears that co-accused – Ibrahim Noorani came in contact with the Applicant and promised to get him admission for the MMS course. It appears that Ibrahim Noorani gave a forged and fabricated Caste Certificate to the Applicant on the basis of which the Applicant secured admission under the reserved quota. It appears that the said Caste Certificate was forged by Ibrahim Noorani and used by the Applicant for securing admission. Pursuant to the FIR, the Applicant's admission was cancelled.

6. Considering the nature of allegations qua the Applicant, custody of the Applicant is not required. Accordingly, the Application is allowed and 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;

(iii) The Applicant shall inform his latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

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 the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this

order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)