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Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1474 OF 2018

Bushra Mohd. Rashid Shaikh	..Applicant.
vs.	
The State of Maharashtra	..Respondent.

Mr. Niranjan Mundergi i/by Farshed Mehrwan for the Applicant.
Smt.J.S.Lohokare, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.
DATE : 7th December, 2018

P.C.

1. This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No.82/2018 dated 24.7.2018 registered with Laxmipuri Police Station, District Kolhapur under Sections 465, 468, 471, 420 of the Indian Penal Code and Sections 10,11 and 12 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Namadic Tribes and other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of

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Caste) Certificate Act, 2000.

2. The first information report is lodged by Shri. A.K.Chavan, Administrative officer attached to Government Medical College namely Rajashree Chhatrapatui Medical College, Kolhapur on 24.7.2018.

The prosecution case in brief is that, the applicant by submitting a bogus Caste Certificate and Caste Validity Certificate, depicting her caste as Banavat Tadvi (S.T.) procured admission for MBBS course in their college and as a matter of fact completed the said course. The Caste Scrutiny Committee subsequently informed to the college and submitted its report to it that, Caste Certificate and Validity Certificate issued in favour of the applicant is a bogus document. In the premise, the first information report is lodged. The Investigating agency is seeking custody of the applicant in that behalf.

3. The learned counsel for the applicant submitted that, after receipt of report from the Caste Scrutiny Committee dated 16.3.2018, the concerned College/University called upon the applicant to respond, as to why her MBBS degree should not be cancelled and the process for recovery of amount which has

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been spent on her education by the Government should not be recovered. He, on instructions, further submitted that, the applicant is not going to claim equity in any Judicial or Quasi Judicial proceedings which are likely to be filed by her. He further submitted that, taking into consideration the age of the applicant, her custodial interrogation may be avoided.

4. Undoubtedly the allegations against the applicant are serious in nature. The applicant by submitting bogus Caste Certificate and Caste Validity Certificate, secured admission in the aforesaid college for MBBS decree course and has also obtained degree from the said University. The first information report filed by the Administrative Officer of Rajashree Chhatraati Shahu Maharaj Government Medical College, Kolhapur is self eloquent.

5. After taking into consideration the facts involved in the present crime, in view of this Court, the applicant can be protected by pre-arrest bail.

Hence, the following order.

a) In the event of arrest in CR No.82/2018 dated 24.7.2018 registered with Laxmipuri Police Station, District Kolhapur, the

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applicant shall be released on bail on her furnishing PR bond of Rs.50,000/-with one or two solvent local sureties in the like amount.

b) The applicant shall attend the Investigating Officer from 20.12.2018 to 24.12.2018 between 10.00a.m. to 2.00p.m. and to join the process of investigation.

c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)