

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

**ANTICIPATORY BAIL APPLICATION NO. 1725 OF 2016**

Mohd. Ishak Kasimali Shaikh & Anr.                      ... **Applicants**

**V/s.**

The State of Maharashtra & Anr.                      ... **Respondents**

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Mr. V.R. Garad for the Applicants.

Mrs. J.S. Lohokare APP for the Respondent/State.

Smt. Anushka Shrestha for the Respondent No.2.

**CORAM : A.S.GADKARI, J.**

**DATE : 21<sup>th</sup> FEBRUARY, 2018**

**P.C.:**

. By an order dated 07.10.2016, the Applicants were granted interim relief.

2 Heard the learned Counsel for the Applicant, the learned Counsel for the Respondent No.2 and the learned APP. Perused the record of investigation.

3 It is the case of prosecution that the Applicant No. 1 by forging and/or fabricating school leaving certificate procured the caste certificate and also caste validity certificate in his name showing his casts as “Muslim Mansuri Dhunia”. The Applicant No.1 thereafter, contested the election of the Mumbai Municipal Corporation and has been elected from Ward No. 156. The defeated candidate i.e. Respondent No.2 has filed the present crime against the Applicants. The Applicant No.2 has been alleged to have helped him in committing the said offence. The record clearly indicates that investigating agency was not sincere

enough in investigating the present crime and therefore, by an order dated 07.10.2016 passed by this Court, file of investigation of the present crime was directed to be placed before the Joint Commissioner of Police (Law And Order), Mumbai for recording its satisfaction and to forward its report to this Court on or before 26.10.2016. In pursuance of the said direction, the Joint Commissioner of Police (Law & Order) had submitted a Report dated 25.10.2016 to this Court and the same was accepted by this Court on 27.10.2016.

4 The record clearly indicates that the original record maintained by school of Applicant No.1 mentions his religion / caste as “Muslim” only. The said record was of 14.05.1977. However, subsequently all of sudden on or after 19.07.2011 the record produced by the Applicant No.1 pertaining to his own school mentions his religion and caste as “Muslim Mansuri Dhunia”. The investigation carried out so far clearly indicates and/or reveals that the Applicant with a view to caused wrongful gain in connivance with Applicant No.2 and co-accused S. N. Singh has forged and fabricated the school record thereby, bogus documents were submitted to the Caste Scrutiny Committee and subsequently, before the Caste Validity Committee. The offence alleged against the Applicant No.1 is indubitably a serious offence. The record of investigation clearly indicates the involvement of the Applicants in the present crime as apparent.

5 After perusing the record this Court is of the view that, the investigation of the present crime cannot be completed without there being custodial

interrogation of the Applicants, who only know the facts of manipulation, fabrication, interpolation and forgery of the said school record.

After taking into consideration, the serious allegations against the Applicants and the gravity of the offence, this Court is of the view that the Applicants do not deserve to be protected by pre-arrest bail.

6 In view thereof, interim relief granted by Order dated 07.10.2016 is hereby vacated and the application is accordingly, rejected.

**(A.S.GADKARI, J.)**