

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

BAIL APPLICATION NO. 2349 OF 2017

Bandu Waman Korde.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Rajesh L. Dharap, advocate appointed for Applicant.

Mr. S.R. Agarkar, APP for State.

Mr. Mahendra M. Patil, Police Naik, Uran Police Station.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 29, 2018**

P.C.:

1 Heard the learned Counsel appointed for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973 filed by the applicant through post seeking enlargement on bail in Crime No. 145/2016 registered at Uran Police Station for the offence punishable under section 197, 198, 199, 200,

463, 465, 466, 467, 468, 471, 472, 473, 474, 420, 120(b) of the Indian Penal Code.

3 It is the case of the prosecution that one Priyanka Palwankar officiating as Superintendent in Uran Court lodged a report at the police station alleging that one Ramesh Suraj Baksh was an accused in R.C.C. No. 183 of 2005. He was granted bail. He did not cooperate with the investigation. Hence, non-bailable warrants were issued and executed against him. He was to furnish surety by 6/6/2016. He had filed an application seeking enlargement on bail. The said application was done by Sandip Ashok Pawar. In Tahasil office at Shahapur, at the time of verification of solvency certificate it was revealed that it was a forged and fabricated certificate. On the basis of the said report, Crime No. 145 of 2016 was registered. In the course of investigation, it is transpired that the present applicant forged and fabricated false solvency certificate. That he was arrested on 18/7/2016.

4 On 24/7/2016 the house search panchanama was conducted. In the said panchanama, the police had seized several incriminating documents. There were several non-judicial stamps, photographs of several person, adhar cards, certain documents purportedly issued by Talathi of Saja Shirgaon, Taluka Shahapur, tax receipts of different persons etc. It appears that subsequently the wife of the applicant had produced the laptop allegedly belonging to the applicant. The said laptop has been seized.

5 The learned APP submits that there are several offences of similar nature registered against the present applicant at Khalapur Police Station, Andheri Police Station, Mumbai Crime Unit for offence punishable under section 420, 465, 467 etc. Therefore, he does not deserve to be enlarged on bail. It is also alleged that one of the co-accused who was known as Kaka is still absconding.

6 The learned Counsel appointed for the applicant submits that the compilation of charge-sheet does not establish the nexus between

the activities of the applicant and the documents which are seized in the house search panchanama. It is submitted that although there are criminal antecedents, there is no specific case made out by the prosecution to show that the said solvency certificate were forged and fabricated by the present applicant. Educational qualifications have not been ascertained. It is apparent from the application that the applicant has specifically contended that he is an illiterate person and that he is the only earning person in his family.

7 learned Counsel further submits that the applicant has been in custody since 2016 and that the charge-sheet is filed on 18/10/2016 and hence, the applicant deserves to be enlarged on bail as all the offence are triable by the Court of Magistrate.

8 Taking into consideration the gravity of the offence and the fact that the applicant is involved in similar offences and it is alleged that he has forged and fabricated public documents, this Court is of the opinion that the applicant does not deserve to be enlarged on bail.

However, the learned Magistrate at Uran seized with R.C.C. No. 117 of 2016 shall make every endeavour to expedite the trial.

9 The application being sans merits stands rejected and disposed of accordingly.

10 The learned Counsel appointed for the applicant has put in the best of his efforts to espouse the cause of the applicant and he is entitled to the professional fees to the tune of Rs. 1,500/-.

11 Office to communicate this order to the applicant who is lodged in Taloja Central Prison.

(SMT. SADHANA S. JADHAV,J)