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

ANTICIPATORY BAIL APPLICATION NO.1985 OF 2017

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|----|---|----------------|
| 1. | Zaid Imtiyaz Ahmed Ghojaria | |
| 2. | Imtiyaz Ahmed Ghojaria | ...Applicants |
| | Versus | |
| | The Senior Inspector of Police and Anr. | ...Respondents |

Mr.Swapnil Wagh, i/b Mr.Ramiz Shaikh, for the Applicants.

Mr.S.S.Hulke, A.P.P for the Respondent-State.

PSI-Sunil M. Bhadane, Malwani Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th APRIL, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.616 of 2017 registered with the Malwani Police Station, Mumbai, for the alleged offences punishable under Sections 420, 465, 466, 468, 471, 474 of the Indian Penal Code.
3. Perused the papers. According to the prosecution, the

applicant No.1 secured admission for Bachelor of Engineering (Electrical Engineering Course) in Atharva College of Engineering in Malad (West), Mumbai, for the Academic Year 2015 – 2016, on the basis of a forged and fabricated caste validity certificate. It is alleged by the prosecution, that the applicant No.1 had taken admission to the said course by producing a caste validity certificate, stating that he belonged to Tadvi Caste i.e. Scheduled Tribe and on the basis of the said caste validity certificate, secured admission in Atharva College of Engineering. Admittedly, the applicant No.1 was a juvenile, when he took admission in Atharva College of Engineering and produced the caste validity certificate. It appears from the prosecution case, that the said certificate was provided to the applicant No.1 by one Dr.Abdul Wahab Mirza, pursuant to which, the applicant No.1, took admission. It appears that Dr.Abdul Wahab Mirza had handed over the forged and fabricated S.C./S.T. caste validity certificate to several students including the applicant No.1 on the basis of which, the said students secured admissions for various courses. It is informed that when the said fraud came to light, the applicant No.1's admission was cancelled. It is not the prosecution case, that the applicant No.1 forged or fabricated the caste validity certificate. The applicant No.1 is alleged to have used the said caste

validity certificate for securing admission. It is informed that the applicant No.1 is a student and that the applicant No.2 is applicant No.1's father. Further, it appears that as far as applicant No.2 is concerned, no role has been ascribed to him. The applicant No.2 has also not been named in the FIR.

4. Considering the nature of allegations, qua the applicants and the fact that applicant No.1 is student and was a juvenile, when he produced the caste validity certificate and that the applicant No.2 has not been named in the FIR and no role has been ascribed to him, the custodial interrogation of the applicants is not necessary. The application is accordingly allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on, executing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount ;
- (ii) The applicants shall report to the Investigating Officer of the

concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;

(iii) The applicants shall not contact the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall co-operate with the Investigating Agency.

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

6. It is made clear that the observations made herein are *prima facie* and are confined to this application.

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)