

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

ANTICIPATORY BAIL APPLICATION NO. 2147 OF 2017

Dr. Mirza Yasin Haji Dawood. ... Applicant.

Versus

The State of Maharashtra. ... Respondent.

Mr. Amin Solkar, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 17, 2018**

P.C.:

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

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 274 of 2016 registered at Laxmipuri Police Station, Kolhapur for offence punishable under section 465, 468, 471, 420 of

the Indian Penal Code and under section 10, 11, 12 of the Maharashtra Schedule Castes Schedule Tribes, De-notified Tribes, and Other Backward Classes and Special Backward Category (Regulation and Issuance and Verification of Caste Certificate Act, 2000.

3 It is the case of the prosecution that on 25/10/2016 Dr. Sudarshan Pramod Gaurkar lodged a report at the police station alleging therein that he was working as Assistant Professor at Rajarshi Chatrapati Shahu Maharaj Government Medical College, Kolhapur. On 9/9/2016 Dr. Jayprakash Ramanand who happens to be the Dean of Medical College had called upon the complainant and informed him that two students from their college had obtained admission on the basis of forged and fabricated caste certificates. The names of the said candidates were Mr. Sayyed Sharif Nawaz Sayyed Mohammed Wahab, original resident of Aurangabad and Zeenat Parvin Asfaq Khan, original resident of Kurla(West), Mumbai. They had obtained admission in reserve category. The Medical College had enquired with the Caste Scrutiny Committee. By letter

dated 4/8/2016, the college was informed that the said certificates are bogus and fabricated. The said students were called for an explanation and the students were informed that their admissions were cancelled from 9/8/2016. Mr. Sayed had approached the High Court Bench at Aurangabad by filing Writ Petition No. 8909 of 2016, in which he has been granted permission to attend college. The offence was registered against both the students i.e. Mr. Sayyed and Ms. Zeenat. The students were granted pre-arrest bail. In the course of investigation, the statement of the said students was recorded.

4 In the course of investigation, it is transpired that the present applicant had fabricated several such false caste certificates and had given it to the prospective students. The offence is registered against the applicant at Kolhapur. The statement of Zeenat was recorded on 21/1/2016, wherein she has disclosed that in the year 2012 she had appeared for medical CET. She could not get through. One of her relative Mohd. Khalid Khan had informed her that he is acquainted with a doctor who could arrange the admission. He had taken Zeenat

to the clinic of the present applicant who had guided her to make preparation for NEET examination. Thereafter, she was asked to deposit an amount of Rs. 2 Lakhs and was assured by the applicant that he would be able to manage the admission. Her application for NEET examination, to be held in 2013, was filled on line by the present applicant. He had asked her to study and leave the rest to him. She had passed her NEET examination in 2013 and had got admission in Chatrapati Shahu Maharaj Medical College at Kolhapur. The applicant had accompanied her for seeking admission. She had learnt from the college authorities that her caste certificate was bogus. Upon enquiry with the applicant, he had refused to react. In the meanwhile, she had learnt that the present applicant had cheated many people. She had no knowledge that he had fabricated the caste certificate. In fact, she was assured that he would give her medical admission in the medical college. She has categorically disclosed that it was the present applicant who had submitted the said caste certificate and Zeenat or her father had no knowledge about the same.

5 The learned APP has vehemently submitted that the applicant is being prosecuted in similar offences. The applicant herein is also accused in Crime No. 57 of 2017 and his application has been rejected in Crime No. 57 of 2017 by this Court vide Order dated 12/10/2017. In that case, the applicant had given the student a certificate to the effect that the students belong to Tadavi community. The applicant had received an amount of Rs. 3 Lakhs and had filed caste certificate of Zeenat. The said certificate was submitted in the college by the present applicant, which facilitated admission in M.B.B.S. Course. It appears to be a racket and the applicant had cheated several authorities and students in similar manner. Hence, no case for pre-arrest bail.

6 Learned APP upon instructions submits that the applicant is absconding. That his custodial interrogation is imperative for the purpose of investigation and reach to the root of the matter.

7 Taking into consideration the facts of the case and submissions of Learned APP, discretionary relief under section 438 of the Code of Criminal Procedure, 1973 cannot be granted. The application stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)