

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1017 OF 2020

Shrinivas s/o. Kondayya Ramgal	..Applicant
V/s.	
The State of Maharashtra	..Respondent

Mr. Ashok Tajane, for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent / State.

**CORAM : C.V BHADANG, J.
DATE : 18th DECEMBER 2020**

P.C.

1. The applicant, who is a co-accused in Crime No.1401/2020, Police Station Sadar Bazar, District Solapur City, under Section 420, 465, 468, 471 r/w. Section 34 of the IPC, apprehending his arrest, is seeking anticipatory bail.

2. The applicant as well as co-accused Raju Harishchandra Kasbe are working as sweepers with Solapur Municipal Corporation. On 23/10/2020, a complaint was lodged by Basavraj Birajdar, General Administration Department of the Corporation, stating that the co-accused Raju Kasbe on the basis of a false and forged medical

certificate had applied for voluntary retirement. The certificate obtained stated that the co-accused Raju Kasbe was medically unfit to continue in service. It is on the basis of such a complaint that the offence came to be registered. It appears that the co-accused Raju Kasbe came to be arrested and during his interrogation, he stated that it was the applicant, who obtained the medical certificate for him for which the applicant was paid Rs.30,000/-.

3. The learned Sessions Judge has refused to release the applicant on bail by order dated 7/12/2020 in Criminal Bail Application No.1427/2020.

4. I have heard the learned counsel for the applicant and the learned APP. Perused record.

5. It is submitted by the learned counsel for the applicant that the applicant is not named in the FIR. It is pointed out that the alleged forged and fabricated medical certificate is not in respect of the applicant but that of the co-accused Raju Kasbe. It is submitted that the name of the applicant figured for the first time in the second remand report and that too on the basis of a statement / interrogation of the co-accused. It is submitted that the applicant

has been falsely implicated on account of certain union rivalry / political reasons. It is submitted that applicant has no complicity in the offence and is ready and willing to co-operate with the investigating agency. The learned counsel has also pointed out that the applicant is suffering from Cellulitis of Right Lower Leg and in the event his arrest, he will suffer consequences in his civil service.

6. The learned APP has opposed the application. It is submitted that the offence is serious about the fabrication of a medical certificate on the basis of which the co-accused had applied to the Municipal Corporation. It is submitted that at this stage there is material to show that it was the applicant who had managed to obtain the certificate for the co-accused for consideration of Rs.30,000/-. It is submitted that the matter needs to be thoroughly investigated, in order to find, whether there are any similar instances in respect of other employees. It is submitted that the grant of pre-arrest bail, at this stage, would seriously hamper the investigation.

7. I have given my anxious consideration to the rival circumstances and the submissions made. It is true that the name of the applicant does not figure in the FIR. However, that may not be

decisive at this stage. The offence is serious about fabrication of a medical certificate in favour of the co-accused. According to the prosecution, it is the applicant who had managed to obtain the certificate for the co-accused on a consideration of Rs.30,000/-. In my considered view, the learned APP is right in contending that at this stage, the proper investigation of the matter is the paramount consideration which may need the custody of the applicant. The medical ground of the applicant, in my considered view, at this stage, cannot out weight the requirement of proper investigation of the matter. In the result, the Criminal Application is dismissed.

C.V. BHADANG, J.