

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 287 OF 2021

**MAHABALESHWAR PUNDLIKRAO KENDRE
VERSUS
THE STATE OF MAHARASHTRA.**

...

Mr. A.M. Gaikwad, Advocate for applicant

Mr. A.V. Deshmukh, APP for respondent.

CORAM : PRAKASH D. NAIK J.

DATE : 13TH DECEMBER, 2021.

PER COURT:

1] The applicant is apprehending arrest in connection with Crime No. 39 of 2021 registered with Cantonment Chhawani police station, Dist. Aurangabad for the offences under section 420, 467, 468, 471 of IPC. The FIR was registered on 1.2.2021.

2] The case of the prosecution is that the informant works as Recruitment Officer at Cantonment Aurangabad. The recruitment process for Soldier was conducted in 2016-17, 2017-2018 and 2019-2020. the applicant had applied for the recruitment by filing application online in 2017. In the information uploaded online, his date of birth was mentioned as 4.6.1996. In the said recruitment process, the applicant was declared ineligible. Another process for recruitment of Soldier had commenced in 2020 for Parbhani

District. In the said recruitment process, the applicant again applied by preferring online application. In the said process, the applicant had mentioned his date of birth as 24.12.2001. The applicant gave false information. He fabricated the documents. The applicant was selected. Some other candidates had also filed applications on the basis of fabricated documents.

3] The FIR was registered against the applicant and other accused. The applicant and others had preferred application for anticipatory bail before the Sessions Court, which has been rejected vide order dated 17.2.2021.

4] The learned Advocate for the applicant submitted that the applicant was selected as Soldier in the recruitment process of 2020. As per the advertisement, the applications were required to be filed by online mode. The applicant took the help of computer center and submitted his application form. Necessary documents were uploaded. He had prepared for the examination. He appeared in the physical test conducted at Parbhani. He was selected. He also appeared in the written examination. He also cleared his written examination. He was referred to medical examination. He cleared the medical examination. All the original documents, like SSC certificate, Adhar card, Pan Card, Transfer Certificate, Caste Certificate, Domicile certificate were submitted. The documents show correct date of birth of the applicant as 24.12.2001. After verification of documents, the applicant was declared selected. However, the FIR has been registered. The applicant has not fabricated the documents. It is alleged that in the recruitment process of 2017, the applicant had submitted his date of birth as 4.6.1996. He had applied in pursuance to the advertisement of 2020 after passing SSC examination in 2018. The entire process of filing the application is by on-line

mode and applicant and other candidates are required to submit the application and other documents by on-line mode by taking help of computer centers. The documents submitted by the applicants were original and issued by various authorities. The certificates were issued after verification of documents. There is no fabrication of documents. The original documents are in custody of the recruitment agency. Custodial interrogation is not necessary. The applicant has nothing to do with the uploading the documents of 2017. All the documents submitted by him in 2020 are genuine. In the event of arrest, his educational career and reputation would be hampered.

5] The learned APP submitted that the offence is of serious nature. The applicant had participated in the recruitment process of Soldier in 2017 and 2020. Since he was declared ineligible in 2017, he again applied for recruitment in 2020. To make himself eligible, he had relied upon the fabricated documents relating to his date of birth while applying for recruitment in 2020. Investigation revealed that the documents submitted by the applicant are false and fabricated. He has tampered with the original documents to change his date of birth. Such persons cannot be allowed to be recruited as soldier. There is vast difference in the date of birth submitted in 2017 and 2020. Investigation is in progress. The statement of witnesses recorded during the course of investigation shows that applicant has fabricated documents like School Leaving Certificate/Transfer Certificate.

6] I have perused the documents annexed to the application and the investigation papers. The complaint is lodged by the Soldier Recruitment Officer. In 2017, recruitment process was conducted for the post of General Soldier at Jalna. The case of the prosecution is that the applicant had filled up on-line form for recruitment in army in 2017, wherein, his date of birth was

shown as 4.6.1996. He was declared ineligible. He again applied in the recruitment process of Parbhanhi in 2020, wherein, his date of birth was shown as 24.12.2001. He submitted false documents containing false date of birth. He had appeared for physical and written examination. He was declared successful. Several other persons had also applied for recruitment. Even they; have relied upon fabricated documents. The applicant had appeared in SSC examination in March, 2018 through Prathmesh Vidya Mandir, Shirsam, Taluka Palam, Dist. Parbhani. For obtaining admission in the said school, he had submitted fabricated transfer certificate in the name of Zilla Parishad Primary School, Barad, Taluka Mudkhed mentioning false date of birth and has cleared his SSC examination. Head Master of Zilla Parishad School, Barad has submitted letter stating that the said transfer certificate was not issued by the said school. The offence is of serious nature. The applicant has claimed his date of birth as 24.12.2001. The investigating Officer has collected the documents to show complicity of the applicant. The original school leaving certificate issued by the Zilla Parishad school indicate that the date of birth of the applicant is 4.6.1996. Thus, it is apparent that the applicant had submitted false document fabricated by him and submitted it for recruitment process of soldier.

6] Considering the aforesaid circumstances, no case is made out for granting anticipatory bail.

ORDER

ABA No. 287 OF 2021 is rejected and stands disposed of.

[PRAKASH D. NAIK]

JUDGE.

GRT/-