

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

ANTICIPATORY BAIL APPLICATION NO. 676 OF 2021

Santosh s/o Bahadur Amte

Age : 40 years, Occu. Government Servant,

R/o. House No. 3, Phase-2, Lawte Nagar,

Jaibhawani Road, Nashik.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. V. D. Sapkal, Sr. Advocate i/b Mr. Sachin S. Shinde, Advocate for
the applicant

Mr. S. B. Narwade, APP for respondent / State

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CORAM : V. G. BISHT, J.

DATE OF RESERVING THE ORDER : 13th August, 2021

DATE OF PRONOUNCING THE ORDER : 18th August, 2021

PER COURT : -

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0370 of 2019, registered with Nandurbar (City) Police Station, Taluka and District Nandurbar for the offences punishable under Sections 420, 406, 468 of the Indian Penal Code.

2. It is alleged that, as per Government Resolution, the employees were required to pass MS-CIT examination for getting an

increment and employees above 50 years of age were exempted. Accused Sattarsingh Chindh Vasave had filed a certificate regarding passing of MS-CIT examination vide his letter dated 29.08.2016 and accordingly, the certificate was sent for verification to Maharashtra State Board of Technology Education, Mumbai. On verification of the certificate, the same was found to be invalid and accordingly, crime came to be registered.

3. Mr. V. D. Sapkal, learned Sr. Counsel appearing for the applicant, vehemently submitted that the name of applicant nowhere finds place in the entire FIR. The learned Sr. Counsel, during the course of arguments, invited my attention to remand report dated 07.04.2021 whereby Sattarsingh Vasave (accused no.1) informed that the disputed MS-CIT certificate was given by Manohar Ashok Bhamre (accused no.2) and Khemraj Onkar Borse (accused no.3) and these accused nos. 2 and 3 were introduced to Sattarsingh Vasave (accused no.1) by Santosh Amte i.e. the present applicant. Learned Sr. Counsel further argued that, nothing has been seized despite effecting search of house of accused nos. 2 and 3. Since there is no cogent and convincing role attributed on the part of the applicant, this is a fit case where the present applicant should be given benefit of anticipatory

bail. The learned Sr. Counsel also submitted that the applicant is having good social status and reputation in the society and he is not likely to abscond or jump the bail and rather is ready to abide by any condition which may be levied upon him by this Court.

4. Mr. S. B. Narwade, learned APP for the State, vehemently opposed the submissions by submitting that it was accused no. 1 – Sattarsingh Vasave, who revealed during the course of investigation that it was the present applicant, who had introduced him with the other two accused i.e. Manohar & Khemraj. There is strong suspicion that all the accused including the present applicant in connivance with each other had forged the MS-CIT certificate in question. It is necessary to have the custody of present applicant so as to know the conspiracy, argued learned APP.

5. Notably, two important aspects of the present case is: (1) FIR and (2) remand report dated 07.04.2021. Firstly, as far as FIR is concerned, there cannot be any dispute that the role of present applicant is nowhere outlined even remotely or for that matter any allegations are made against him in the forgery of MS-CIT certificate in question.

6. Secondly, the remand report dated 07.04.2021 clearly goes to show that they are the accused namely, Manohar Ashok Bhamre and Khemraj Onkar Borse, who had allegedly issued the certificate in question to the accused - Sattarsingh Vasave. The remand report, however, reveals that during the course of search of the house of accused nos. 2 and 3, nothing incriminating was found but pertinent to note here is that, according to main accused, he was introduced to above said two accused by the present applicant. Except this, there is nothing on record to *prima facie* point out the nature of involvement of the present applicant in the whole episode of forgery.

7. In my considered opinion, the *prima facie* evidence is too short to connect the present applicant to the alleged offence. This being so, I am inclined to allow the application. Hence, following order.

ORDER

- i. In the event of arrest of the applicant herein in connection with Crime No. 0370 of 2019, registered with Nandurbar (City) Police Station, District Nandurbar for the offences punishable under Sections 420, 406, 468 of the Indian Penal Code, the applicant is directed to be enlarged on

bail on his furnishing P.R. Bond of Rs. 20,000/- [Rs.Twenty thousand only], with one or two solvent sureties in the like amount.

- ii. The applicant shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.
- iii. The applicant shall not tamper with the prosecution evidence in any manner.

8. The application for anticipatory bail stands disposed of in the aforesaid terms.

[V. G. BISHT]
JUDGE