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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO. 2974 OF 2021**

**DNYANESHWAR PANDURANG KATHOLE ....APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA .....RESPONDENT**

**Mr. Devidas K. Botkondle i/b Mr. Vikas B. Shivarkar for the applicant  
Mr. Ajay Patil APP for the State**

**CORAM : NITIN W. SAMBRE, J.**

**DATE: DECEMBER 13, 2021.**

**P.C.:**

1] Applicant is seeking pre-arrest bail in C.R. No. 326/2021 registered with Shahapur Police Station, Thane Rural for offences punishable under Sections 174, 176, 177, 420, 465, 468, 469, 471 of the Indian Penal Code.

2] Allegation against applicant is, he is self styled R.T.I. (Right to Information) activist. Having collected 133 certificates which were manually issued in support of income, social status of concerned persons, 42 were found to be bogus.

3] Upon inquiry, it was revealed that such 42 certificates were neither issued by the office of Tahsildar under R.T.I. nor were genuine. As a consequence, offence came to be registered and applicant is shown to be co-accused from whose custody such certificates were shown to have been produced.

4] Submissions of learned counsel for the applicant are, applicant is a whistle-blower and as such, he is falsely implicated in the crime. According to him, 133 certificates were received under R.T.I. none of them were duly stamped but for handing over of 133 documents. As such, he would claim that 42 bogus certificates which are formed to be basis for registration of the offence are implanted so as to falsely implicate the applicant and victimize him.

5] Learned counsel for the applicant submits that applicant is very much available for the investigation as he has deep roots in the society with no criminal antecedents and as such, he is entitled for protection. He has drawn support from the report of Tahsildar in the matter.

6] Learned APP opposed the prayer as it is claimed that 42 certificates which are formed to be bogus documents were generated from the custody of the applicant for which custodial interrogation of the applicant is necessary.

7] Considered submissions.

8] Applicant, R.T.I. activist has sought information under R.T.I. seeking copies of manually issued income certificates. As such, applicant was supplied 133 such certificates which were manually issued from the office of Tahsildar.

9] After receipt of said certificates, it appears that on 42 certificates, scanned signature of issuing authority i.e. one Mr. Kanthare who was Awwal Karkoon was noticed.

10] Such certificates, if are issued manually, there is no reason as to why certificates will have scanned signatures. It is claimed by

revenue authorities that disputed certificates were not issued by their office but since they are coming from the custody of the applicant, applicant owes an explanation for the same as those documents are doctored documents and were never provided to Applicant under R.T.I. Act.

11] In the aforesaid background, in my opinion, since the documents are coming out from the custody of the applicant which are formed to be basis for registration of offence and since such documents are not made available by the revenue authorities under R.T.I. Act, applicant's claim that he is falsely implicated cannot be accepted. It appears that such certificates are income certificates, status of parties as Tribe etc. Certificates are sought to be used by the applicant so as to entangle public servant.

12] That being so, no case for bail is made out. Application stands rejected.

**[NITIN W. SAMBRE, J.]**