

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.1109 OF 2021

(Prashant Rajaram Chavan Vs. State of Maharashtra thr. PSO PS Mankapur, Dist.
Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. D. V. Chauhan, Advocate for Applicant.
Mrs. K. R. Deshpande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 17th DECEMBER, 2021.

The applicant is the Secretary of Maharashtra Ice Hockey Association.

2. The applicant allegedly issued three certificates vouching that the beneficiaries have participated in certain events.

3. According to the prosecution the certificates are false.

4. The applicant is arraigned as one of the ten accused in what the prosecution would like to brand as "Sports Certificates Scam".

5. I have scrutinized the material along with the charge-sheet.

6. With due respect to the learned Judge who rejected the bail, there is absolutely no material in the charge-sheet as would make out the offences alleged.

7. Assuming that a certificate which wrongly records certain thing is issued, it is not even the case of the prosecution that any of the three certificate was used by the recipient to secure any advantage. The persons who procured the certificates have no grievance, and obviously cannot have a grievance.

8. Since the certificates were not used for any purpose, *prima facie* Section 420 has no application. Similarly, assuming that a document contains a false statement, the document is not necessarily forged. It is not the case of the prosecution that the applicant committed any forgery. In essence, the case is that he signed and handed-over a document certifying a non-existent state of affairs. *Prima facie*, provisions of Section 465, 466, 467, 468, 471, 120-A and 434 of the Indian Penal Code do not come into play. I am satisfied that there is no justification for the incarceration.

9. The application is allowed.

10. The applicant shall be released on bail on executing personal bond of Rs.16,000/- (Rupees Sixteen Thousand) with a solvent surety of like amount.

11. The applicant shall not make any attempt to tamper with the evidence or to influence witnesses, directly or indirectly.

12. The applicant shall not leave the country without the permission of the jurisdictional court.

JUDGE

NSN