

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.89 OF 2022

SACHIN S/O BALIRAM TAWAR
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. C. C. Deshpande
APP for Respondent-State : Mr. V. M. Kagne
.....

CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving the Order :
08-02-2022**

**Date of Pronouncing the Order :
11-03-2022**

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.292 of 2020, registered with Jawaharnagar Police Station, Aurangabad, for the offences punishable under Section 420, 465, 467, 468, 471 of IPC.
2. Heard learned Advocate Mr. C. C. Deshpande for applicant and learned APP Mr. V. M. Kagne for respondent-State.
3. It has been vehemently submitted on behalf of the applicant that FIR has been lodged by one Urmila Ganpatrao Morale, who is the Deputy Director of Sports Department, Aurangabad Division,

Aurangabad. The said office had undertaken the work of scrutiny of the certificates of the candidates who got 5 % recruitment in Government job as well as Semi-Government department and that scrutiny was undertaken under the Government Resolution dated 01-07-2016. The applicant had submitted certificate in respect of Trampoline sport. It is stated to be forged and it is stated that he has cheated the Government. In fact, in view of his appointment by the Government, he is working as Clerk in Mantralaya, Mumbai (Ministry of Parliamentary Affairs Department). If now he is arrested, his image would be maligned in the society. The applicant is ready to abide by the terms of the bail. In fact, he had submitted the original certificates through his relative Anil Gulab Hajare. Anil Gulab Hajare had filed affidavit before learned Sessions Judge, Aurangabad, that he had submitted original documents to Investigating Officer. Similar affidavit is now filed by him in this application also. The applicant will co-operate with the investigation. Certain co-accused persons have been granted anticipatory bail.

4. Per contra, the learned APP strongly opposed the application and submitted that because of the fraud that has been played by the applicant and similarly situated accused persons, genuine candidates

could not be absorbed in the government jobs. By fabricating documents, the applicant had secured the job and it cannot be so protected now. The magnitude of the offence is very wide. The applicant and 259 other candidates had given such kind of certificates that they had taken part in some sport and represented the State. It is not only the representation of the State that matters but the honour they bring to the State by winning the competitions, give them incentives to be absorbed in Government job. The document which he produced, was between the period 1997 to 2005. Certificate has been issued by Maharashtra Amateur Trampoline Association that except one Sayyad Rahiman Chandubhai and Shrimant Housrao Darade, all other candidates who have produced the certificates, had never played in any sports competition between 1997 to 2007. Further, it has also been revealed that the merit certificates bear forged signature of Dr. Nitin Kareer, who was the Additional Chief Secretary, Revenue, Registration, Stamp Duty, Mantralaya, Mumbai. Definitely the certificate which was produced by the applicant for getting the Government job, is forged, and therefore, he does not deserve anticipatory bail.

5. At the outset, it is to be noted that this Court in ABA No.1398 of 2021, 1491 of 2021, decided on 16-12-2021 (Coram : Prakash D. Naik) had granted bail to those applicants. While observing that, about 50 accused persons had applied for anticipatory bail before the Court of Sessions and those applications were allowed on 21-11-2020. The said order passed by learned Additional Sessions Judge, Aurangabad on 21-11-2020, is also produced in this Case. In both these orders, it has been observed that the custodial interrogation of the applicants is not necessary since the investigation can go on on the basis of documents those are required to be collected. The applicant herein is also similarly situated. It appears to be in dispute as to whether said Anil Gulab Hajare had produced those documents before the Investigating Officer or not. The investigating Officer may investigate that fact also because though Anil Gulab Hajare filed the affidavit, yet he has not produced the acknowledgement given by the Investigating officer in receipt of those original documents. Consequences of not obtaining the acknowledgement would follow. The applicant has not explained it as to why he himself had not produced those documents before the Investigating Officer. He cannot say that since he was fear in his mind that he would be arrested, he had asked his relative to send those papers to the

Investigating Officer. The applicant may be running a risk in that respect, however, the fact remains that his physical custody is not required for the purpose of investigation and making him available for the investigation by putting a condition to that effect, would suffice. Hence, following order.

ORDER

- 1) Application stands allowed.
- 2) In the event of arrest of the applicant Sachin s/o Baliram Tawar, in connection with Crime No.292 of 2020, registered with Jawaharnagar Police Station, Aurangabad, for the offences punishable under Section 420, 465, 467, 468, 471 of IPC, he be released on PR of Rs.30,000/- with two solvent sureties of Rs.15,000/- each.
- 3) Applicant shall not tamper with the evidence of prosecution in any manner.
- 4) Applicant shall attend Jawaharnagar Police Station, Aurangabad, on every Sunday in between 10.00 a.m. to 02.00 p.m., till filing of charge-sheet.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.