

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

BAIL APPLICATION NO. 862 OF 2022

Parmeshwar Bhagwan Bade	... Applicant
Versus	
The State of Maharashtra	... Respondent
....	
Mr. R. G. Hange, Advocate for applicant	
Mr. S. P. Sonpawale, APP for respondent - State	
....	

CORAM : R. G. AVACHAT, J.

DATED : 10th AUGUST, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 0101/2022, registered at Shevgaon Police Station, District Ahmednagar, for the offences punishable under Sections 420, 465, 467, 468, 472, 474 r/w 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

3. The FIR has been lodged by a Police Naik, serving with Shevgaon Police Station on 22.02.2022. According to him, a secret information was received that a person by name Sanjay Swarup Raje Bhosale (co-accused) was selling fake disability certificates near the Church along Shevgaon – Paithan road at Shevgaon. A trap was therefore laid. That Sanjay Swarup Raje Bhosale was found in a Tata Indigo car at that place. During search of his person and vehicle, one identity card to be issued to a disabled person was found. During interrogation, he disclosed that he along with the present applicant would prepare fake disability certificates. The trap party, therefore, went to the house of the applicant and effected search thereof. During the search, seven types of cards meant for disabled persons were found along with some allied materials.

4. It is submitted by the learned Advocate for the applicant that there is no person claiming to have been issued with a fake disabling certificate. As such, according to him, no overt criminal act has been attributed to the applicant. The applicant has been behind the bars for little over six months. He, therefore, urged for grant of application.

5. The learned APP would, on the other hand submit that it is a case of conspiracy. False and fabricated documents were being prepared at the house of the applicant. Those documents were in the nature of false disability certificates. According to him, such documents came to be seized during the search of the applicant's house. He, therefore, urged for rejection of the application.

6. Considered the submissions advanced. Admittedly, there is no person claiming to have been issued by the applicant fake disability certificate. As such, whatever material was recovered from the search of the house of the applicant, may be considered to be a preparation for committing such offence. On investigation, the charge-sheet has been filed. The applicant has no criminal antecedents. It will take time for commencement and conclusion of trial. The offence is triable by the Court of Judicial Magistrate First Class. Hence, following order:

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No. 0101/2022, registered at Shevgaon Police Station, District Ahmednagar, for the offences

punishable under Sections 420, 465, 467, 468, 472, 474 r/w 34 of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS