

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 855 OF 2022

Mohammed Tarique Gour

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Chandrakant Talekar i/b. Jainish Jain for the Applicant.

Mr. S.H.Yadav, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 18th APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No.26 of 2022 registered with Vasai Police Station for offences under Section 420, 409, 465, 468, 471 of Indian Penal Code.

2. Heard Mr. Talekar, learned Counsel for the Applicant and Mr. Yadav, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Father Michael Josphe Tuskano, Head Master of Holy Cross High School, Nirmal, Vasai. The FIR prima facie reveals that one Maria Rajan Dias @ Miss. Baptist Maria Jhon was employed in the said school as temporary teacher during vacation period between 14.06.2001 to 15.02.2002 and again from 01.03.2002 to 30.04.2002. She was in

continuous employment of the school since 13.06.2002. One Mr. Godfrey D'Souza made an application under the Right to Information Act (RTI) and demanded copies of education qualification certificates of Maria Dias. The school decided to verify the original certificates of the teaching and non-teaching staff. Upon verification of the certificates of teacher Maria Dias, it was revealed that she had submitted forged certificate. Hence, FIR came to be lodged against her, pursuant which the aforesaid crime has been registered.

4. The only material against the Applicant is the statement of co-accused Mr. Kini (Accused No.2), who has stated that the Applicant herein had prepared the said forged and fabricated certificates and that he was paid Rs.1,60,000/- out of which Rs.80,000/- were transferred in his bank account and the balance was paid in cash. The Certificates were allegedly fabricated in the year 2001. Considerable time has lapsed since then. Moreover, as noted above, the only material against the Applicant herein is the statement of the co-accused (Accused No.2). The said statement was made in the year 2001. Till date the Investigating Agency has not gathered any incriminating material against the Applicant. Under the circumstances, in my considered view, this would not be a fit case for custodial interrogation. Hence the Application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.26 of 2022, of

Vasai Police Station, the Applicant be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for four days from 25th April, 2022, and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall provide her permanent as well as temporary address, if any, and her contact details to the Investigating Officer.

(iv) The Applicant shall not change her residential address without prior intimation to the Investigation Officer.

(v) The Applicant shall not interfere with the complainant and the other witnesses, or tamper with the evidence in any manner.

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(ANUJA PRABHUDESSAI, J.)