

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

ANTICIPATORY BAIL APPLICATION NO.1070 OF 2022

Yuvraj Dhondu Bhadane

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Ashok P. Mundargi, Senior Counsel i/b. Mr. Jayant Bardeskar for the Applicant.

Ms Veera Shinde, APP for Respondent-State.

Mr. M.T. Bandgar, API, Ulhasnagar Police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 20th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C. for pre-arrest bail in Crime No.51 of 2022 registered with Central Police Station, Ulhasnagar, District-Thane, for offences punishable under Sections 420, 465, 466, 468, 471 and 474 of the IPC.

2. Heard Mr. Mundargi, learned senior counsel for the Applicant and Ms Veera Shinde, learned APP for Respondent-State. 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 Achut Budhaji Sase, Incharge Assistant Commissioner, General Administrative Department, Ulhasnagar Municipal Corporation. The records prima facie reveal that the Applicant was employed with the Ulhasnagar Municipal Corporation on temporary basis for a period of six months w.e.f. 22/12/2003. Subsequently, he was appointed as Public Relation Officer in the year 2004. The Applicant submitted his birth certificate where the date of birth was recorded as 01/06/1972. One Mr. Malvankar, former Corporator of Ulhasnagar Municipal Corporation, lodged a complaint alleging that the birth certificate produced by the Applicant was forged and fabricated. Pursuant to the said complaint, enquiry was conducted by the core member committee. Said Committee recorded a finding that the birth date of the Applicant is 01/06/1970 and that the birth certificate produced by him showing his birth date as 01/06/1972 is fabricated. Pursuant to the said report FIR came to be filed.

4. The contention that the Applicant had submitted fabricated birth certificate for gaining employment is not acceptable as the records reveal that the maximum age limit was 35 years. It is also pertinent to note that the Applicant had not applied for the post and his name was

sent through the Employment Exchange. Hence, there was no question of fabricating the certificate for gaining employment. The records also prima facie indicate that all other documents, which were obtained prior to joining the employment show the date of birth as 01/06/1972. Even otherwise the question whether the certificate showing date of birth is forged or fabricated is a matter of trial.

5. Considering the above facts and circumstances, in my considered view this would be a fit case for grant of pre-arrest bail. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.51 of 2022 registered with Central Police Station, Ulhasnagar, District-Thane, the Applicant shall be released on bail on executing PR bonds in the sum of Rs.30,000/- with one or two sureties to the like amount;

(ii) The Applicant shall report to the Investigating Officer for two days from 02/05/2022 between 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer;

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact number, and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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