

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1767 OF 2022**

Hemant Natha Sawalkar ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Vikas Shivarkar, for Applicant.
Mr. P.H.Gaikwad, APP, for State.
Mr. Sunil Khedekar, PI, EOW Pune, present.

CORAM: N.J.JAMADAR, J.

DATE : 6th JULY, 2022

P.C.

1. This is an Application for pre-arrest bail in connection with C.R.No.122 of 2021 registered with Bandgarden Police Station, Pune.
2. Mr. Kisan Dattoba Bhujbal, Development Officer – Education, lodged a report with the allegations that he is posted as Education Development Officer and in performance of the duties of the said office, he visits various schools to ascertain whether the schools are run in conformity with the rules and regulations and the directions of the Education Department. Pursuant to a complaint that forged self approval orders were submitted in respect of 11 schools run by Jog Education Trust, Pune, an inquiry was conducted.
3. Jog Education Trust runs 12 primary / secondary schools in Pune and Pimpri Chinchwad. The approvals in respect of 11 schools granted for the period 1st

April, 2016 to 31st March, 2019 had expired. The management was required to obtain fresh approval certificates for the period 1st April, 2019 to 31st March, 2022 by submitting proposals to the Education Officer. In the light of the complaint, an explanation was sought from the trustees of Jog Education Trust. Along with the explanation, Jog Education Trust submitted purported approval certificates bearing identical outward number. Since a suspicion was entertained, further inquiry was made. It transpired that those 11 approval certificates were not issued from the Education Department by the concerned Education Officer.

4. Jog Education Trust filed a complaint with Deccan Police Station that Mr. Kishor Pawar, a retired Deputy Education Officer (Secondary, Zilla Parishad, Pune) had furnished those approval certificates. When the news of forged approval certificates was published in newspaper, Mr. Kishor Pawar visited the office of Jog Education Trust and collected all those forged approval certificates by representing that he would get all those certificates attested from Mr. Sunil Kurhade, Education Officer. Further inquiry revealed that the said certificates were delivered by Mr. Kishor Pawar and Mr. Hemant Sawalkar, the Applicant herein, who was posted as Senior Assistant with MANREGA. Mr. Kishor Pawar was paid a sum of Rs.2,75,000/- i.e. at the rate of Rs.25,000/- per certificate. The accused Kishor Pawar and the Applicant visited the office of Jog Education Trust repeatedly in connection with the said transaction.

5. When the alleged fraud was reported in the newspapers, co-accused Gautam Shevade and the Applicant visited the office of the Education Department – Samagra Shikshan Vibhag, and snapped the photographs of the relevant pages of the outward register containing the entries regarding the forged approval certificate. Eventually, the first informant lodged a report against the office bearers of Jog Education Trust and Kishor Pawar, retired Deputy Education Officer and the Applicant for having forged the approval certificates and used the same as genuine for wrongful gain.

6. The learned Advocate for the Applicant submitted that the Applicant has no role to play in the alleged offences. In fact, the Applicant was not posted in the Education Department and had no opportunity to deal with the said matter. Mrs. Surekha Jog, President of the Jog Education Trust, has been directed to be released on bail in the event of arrest. Thus, the Applicant also deserves the same dispensation.

7. The learned APP resisted the Application. It was submitted that the Applicant had played an active role in preparing the forged approval certificates along with the co-accused Kishor Pawar. In the backdrop of the material collected during the course of investigation, the custodial interrogation of the Applicant is required to unearth the fraud in all its facets, submitted Learned APP.

8. I have perused the allegations in the FIR and the investigation papers containing the statements of the witnesses. It would be suffice to note that the

witnesses who worked with Jog Education Trust have specifically named the co-accused Kishor Pawar and the Applicant as the persons who frequently visited the office of Jog Education Trust and prepared and delivered the approval certificates, which turned out to be forged. The role attributed to the Applicant is that of being a confederate of Kishor Pawar. The witnesses have also stated that both Kishor Pawar and the Applicant collected a sum of Rs.2,75,000/- from the office of the Jog Education Trust.

9. It would be contextually relevant to note that Kishor Pawar had preferred an Application for pre-arrest bail, while the Application was awaiting decision before the learned Additional Sessions Judge, Pune. On 20th June, 2022 the said Application came to be disposed with a request to the learned Sessions Judge to dispose of the Application for pre-arrest bail, expeditiously. The learned APP informs the Court that the Application of Kishor Pawar has since been rejected by the learned Additional Sessions Judge, Pune.

10. It is true that the trustee of the Jog Education Trust has been given benefit of pre-arrest bail. However, the role attributed to the Applicant is that of representing the trustees that he along with Kishor Pawar would procure the approval certificates, and obtaining wrongful gain on that count. The Applicant allegedly delivered the approval certificates, which turned out to be forged.

11. In the circumstances, it would be preposterous to hold that the custodial

interrogation of the Applicant is not warranted. The mere fact that the Applicant was not posted in Education Department does not imply that the allegations do not warrant investigation. In order to unearth the fraud in its facets and unmask the identity of the persons who were involved in the said fraud, custodial interrogation seems to be indispensable.

12. I am, thus, not persuaded to entertain the Application for pre-arrest bail.

Hence, the following order :

ORDER

The Application stands rejected.

(N.J.JAMADAR, J.)