

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

ANTICIPATORY BAIL APPLICATION NO.2551 OF 2022

Shri. Sanjay Yamuna Bhate

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Sachin K. Hande, for the Applicant.

Mr. N. B. Patil, APP for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 19th SEPTEMBER, 2022

PC.

1. The applicant, a public servant (Gram Sevak) is seeking pre-arrest bail in Crime No.188 of 2021 registered with Karjat Police Station, District Raigad for the offence punishable under Sections 193, 196, 419, 465, 466, 468, 474 r/w 34 of IPC.

2. Case of the prosecution is, complainant Gauri alleged that her uncle Rajendra who expired on 28th January, 2019 was not married and was residing with her in Mahim, Mumbai.

3. The accused No.1/Laxmi Subramaniam Swami alleged that she has performed marriage with said Rajendra on or about 20th April, 2006 at Baaj, Taluka Jath, District Sangli. A entry was forged to that effect in the register of marriage maintained with village panchayat, based on the same a certificate certifying that such marriage was performed was issued and used for commission of offence.

4. Since the said Rajendra was never married, cognizable offence was disclosed, the offence came to be registered vide Crime No.188 of 2021.

5. Contentions of counsel for the applicant are, the entry in the register is of old year i.e. 2009. According to him, as the Gram Sevak of the village panchayat, he was not in-charge of the record at the relevant time and village panchayat has maintained the record as regards the entry of the marriage of Rajendra with accused No.1. He would urge that what is certified by the applicant is based on the official record of the village panchayat, therefore, applicant cannot be termed to be an author of such certificate certifying any false or bogus entry. His contentions are, whether the marriage was performed cannot be an issue to be looked into by the applicant while issuing certificate certifying true extract of the marriage register maintained by the village panchayat. As such, he would urge that not only the applicant is falsely implicated but his custodial interrogation is also not warranted.

6. APP on instructions from the Investigating Officer and investigation papers produced on record submits that there is enough material to *prima-facie* infer involvement of the applicant in question.

7. I have appreciated the aforesaid submissions.

8. Deceased Rajendra had no connection whatsoever with the village panchayat at Baaj, Taluka Jath, District Sangli. Throughout in the investigation, it was noticed that deceased Rajendra never married and was residing with the complainant. It appears that in calculated manner

the accused persons not only authored (re-written) marriage register but also acted contrary to the act and rules under the Village Panchayat Act. As such, forged entry about marriage of deceased was carried out showing that the accused No.1 was married to deceased Rajendra. There is enough material available on record to infer that register depicting entry about marriage of deceased Rajendra with accused No.1 was forged at Sr. No.30. To be more precise entry in relation to marriage of deceased with accused No.1 is mentioned in same ink and same handwriting as that of other old and new entries. The entry in relation to deceased Rajendra about his marriage is duly endorsed by applicant in his signature which this Court has verified from the perusal of the original register produced by the Investigating Officer. Signature of the applicant in support of the affidavit to the bail application duly match with one on the forged register.

9. In the aforesaid background, there is strong evidence available on record to infer *prima-facie* involvement of the applicant in serious offence of forgery. That being so, no case for bail is made out.

10. The applicant as such stands rejected.

[NITIN W. SAMBRE, J.]