

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO. 103 OF 2023**

Badshah Sikander Pathan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rupesh A. Zade a/w Ms. Priyanka Gupta, for the Applicant.

Mr. P.H. Gaikwad, APP, for the Respondent/State.

Mr. Keshav Wabale, A.P.I. Yawat Police Station, Pune (Rural), present.

**CORAM : N.R. BORKAR, J.**

**DATE : 13 JANUARY 2023.**

**P.C. :**

. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 947 of 2022 registered at Yawat Police Station, Pune (Rural) for the offences punishable under Sections 420, 465, 466, 467, 468, 479 read with 34 of the Indian Penal Code.

3. The allegations against the present applicant and other co-accused are of preparing forged certificate of Gram Panchayat Pargaon dated 2 January 2019.

4. I have heard the learned counsel for the applicant and the learned

APP for the respondent/State.

5. The learned counsel for the applicant submits that the application was made to the concerned Gram Panchayat and on the basis of said application, the certificate dated 02/01/2019 was issued. It is submitted that there is an entry in relation to the issuance of said certificate in dispatch register maintained by the Gram Panchayat. The learned counsel for the applicant submits that in view of the allegations, the present applicant sought opinion of the handwriting expert and it is in favour of the applicant. It is submitted that considering the facts and circumstances of the case, the applicant may be released on anticipatory bail.

6. On the other hand, the learned APP for the State submits that the complainant has alleged that the certificate in question was not issued by him and it does not bear his signature. The learned APP submits that considering the nature of offence, the applicant may not be granted anticipatory bail.

7. There is entry in the dispatch register about issuance of certificate to the present applicant dated 2 January 2019. It is not the case of the prosecution that some other certificate was issued on the said date and not the certificate in question. Apart from it there is handwriting expert's opinion in favour of the present applicant.

8. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. In the result, the

following order is passed:

**ORDER**

- A] The Application is allowed.
- B] In the event of arrest of applicant- Badshah Sikander Pathan in C.R. No.947 of 2022 registered at Yawat Police Station, Pune (Rural) for the offences punishable under Sections 420, 465, 466, 467, 468, 479 read with 34 of the Indian Penal Code, he shall be released on bail on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount.
- C] The applicant shall attend the concerned Police Station as and when called and shall co-operate in the investigation.

[N.R.BORKAR, J.]