

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 994 OF 2021**

Sukdev Nagendranath Biswas ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ejaz Khan i/b Mr. Ajinkya Badar for the Applicant.
Ms Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 3 FEBRUARY 2023

P.C. :-

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

2. The applicant is General Secretary of Maharashtra Sepak Takraw Sports Association. The allegations against the present applicant and other co-accused are that they in connivance with each other had issued fake certificates of participation to the persons who had not taken part in Sepak Takraw Tournament. It is alleged that the fake certificates were issued to enable them to avail the reservations meant for sports category in various services.

3. This Court on 6 April 2021 passed the following order:

*“1. The Applicant is seeking anticipatory bail
in connection with C.R. No.78/2021 registered*

with Hinjewadi Police Station, Pimpri Chinchwad on 4.2.2021 under Sections 463, 464, 465, 468, 471, 474, 477, 420 read with 34 of the Indian Penal Code.

2. The FIR is lodged by one Suhas Patil, who was working with as Assistant Director of Sports and Youth Services Directorate, Government of Maharashtra. The FIR is a long but, the gist of the FIR is that some certificates were issued to the players in respect of participation in the tournament of the sport known as "Sepaktakraw". The Government of Maharashtra has a policy of giving jobs to sports persons who have shown expertise in a particular sport, which is reflected in the certificate given by the respective sports associations. It is mentioned in the FIR that one Aakash More was given a certificate by the State Association. It was taken back. Then it was forged and the same certificate was issued in the name of one Amol Kadam though he had not participated in the tournament at all. These are the allegations based on the FIR as well as the submissions by learned A.P.P. on instructions of the investigating officer who is present in the Court.

3. Learned Counsel for the Applicant submitted that the Applicant was Secretary of Maharashtra State Association from 2009 till today. The Applicant only used to forward the list provided by the District Associations for getting the certificates. The Applicant did not have any other role to play in the entire offence. He submitted that the co-accused Dudhare, who was Secretary of Nashik District Sports Association has preferred Anticipatory Bail Application No.805/2021 which is directed to be posted on 4.5.2021 and he is protected by an interim order. The Applicant's role is not very different from the role of co-accused Dudhare. He further submitted that the Applicant

had already attended the police station and his statement is already recorded.

4.Learned A.P.P. submitted that the Applicant's role was thoroughly enquired into by a Committee headed by Deputy Director of Sports, Government of Maharashtra and the Committee had found the exact nature of mal-practices committed by the present Applicant. Learned A.P.P. seeks time to file affidavit to put forth the same on record.

5.Considering the fact that the co-accused who is almost similarly placed is protected by an interim order, present Applicant can also be protected by interim order till the next date and both these matters can be heard together. Hence, the following order.

O R D E R

(I)In the event of his arrest in connection with C.R.No.78/2021 registered with Hinjewadi Police Station, Pimpri Chinchwad, till the next date, the Applicant be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii)This order shall operate till 04.05.2021.

(iii)The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(iv)Stand over to 04.05.2021."

4. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that the duty of the applicant was to scrutinize the documents submitted by the players for forwarding to the Deputy Director of Sports and Youth Services of State of Maharashtra and then the office of the Deputy Director used to verify genuineness of the said documents. It is submitted that the applicant used

to rely upon team entry form signed by Secretary of the District Association to forward the proposal for issuance of certificate. It is submitted that the investigating officer has thoroughly interrogated the applicant and there is no need of custodial interrogation.

5. The learned APP submits that the investigation is over and the charge-sheet will be filed within two weeks.

4. Considering the overall facts and circumstances, I am inclined to allow the present application. The interim order dated 6 April 2021 passed by this Court is hereby confirmed.

6. Application is disposed of.

(N.R. BORKAR, J.)