

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1663 OF 2023

Dinesh Navnath Karande	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Sahil Satyawar Ghule i/by Mr. Avinash B. Avhad
for the applicant.

Ms. Veera Shinde, APP for the respondent/State.

Mr. Kapil Bhalerao, PSI, Chaturshrungi Police Station is
present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 21, 2023

P.C.:

1. This is second anticipatory bail application. This Court by order dated 22nd September 2022 dismissed the application as the learned advocate for the applicant sought permission to withdrawal of the application.
2. The allegation against the applicant is that he applied for the post of Assistant Police Inspector (Radio Mechanic) in the year 2015. The post applied belongs to 5% quota of candidates belonging to sports category.
3. According to prosecution, the applicant submitted three certificates bearing Nos.97, 16 and 62, which were found to be

bogus. According to prosecution, when the applicant was called upon to produce original certificate, he produced certificate for period from 4th July 2015 to 5th July 2015. On inquiry with the Commissioner, department of Sports and Youth Welfare, State of Maharashtra, it was revealed that it is not possible to secure first and third rank in one state tournament. Accordingly, the Commissioner certified that the certificates produced by the applicant are forged. The applicant failed to produce original of third certificate. In this background, the applicant withdrew earlier anticipatory bail application.

4. On perusal of the inquiry report dated 22nd December 2021, it appears that the inquiry officer in paragraph 7 of the report has recorded a categorical finding that the charges against the applicant are held to be proved. The inquiry officer has, therefore, recommended removal of the applicant from service as a punishment. Therefore, in my opinion, the ground pleaded is factually incorrect.

5. Assuming the ground is factually correct, the finding recorded in departmental proceeding cannot be relied upon for getting relief in criminal proceeding as the findings recorded in departmental proceeding are based on preponderance of probabilities. The nature and degree of the evidence necessary to adjudicate issues in departmental inquiry is totally different than the nature and quality of material in criminal proceedings. Therefore, there is no merit in the application.

6. Moreover, report of the inquiry committee after dismissal of

first bail application do not constitute material change in circumstances enabling applicant to file fresh bail application.

7. The anticipatory bail application is rejected.

(AMIT BORKAR, J.)