

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2896 OF 2023

Ramesh Giramalal Honamore ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Amit Sale, for the Applicant
Smt. Ashwini Takalkar, APP, for the Respondent/State.
Mr. Vijay Mali, API, Nashik police station.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 17, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 265 of 2023 registered at Nashik Gramin police station for the offences punishable under sections 420, 465, 468, 471 and 473 of Indian penal Code, 1860.
3. The first informant is the Deputy Vice Chairman of Yashwantrao Chavan Open University, Nashik. The said university runs various courses including B.Sc. MLT and DMLT. Once the candidates successfully complete the said courses, they are entitled to enroll themselves with the Para Medical Council, Mumbai and run a pathological laboratory. Para Medical Council thus sends the certificates for verification to the Open University.

4. Upon receipt of the requisition from Para Medical Council, the certificates of 20 candidates were verified and found to have been forged. Various discrepancies were found in those certificates. The students in whose names the certificate were issued were not registered with university. The degree and diploma certificates were fabricated. The letterheads and seals of the university were also forged. It further transpired that the applicant was one of the persons who had sold those fabricated degree and diploma certificates to those students. Hence, the report.

5. Apprehending arrest, the applicant approached the Court of Session. By an order dated 11th September, 2023, the Court of Session declined to exercise the discretion in favour of the applicant. Hence, this application.

6. I have heard Mr. Amit Sale, learned counsel for the applicant, and Smt. Ashwini Takalkar, learned APP for the State, at some length.

7. The learned counsel for the applicant submitted that the applicant is serving at a Primary Health Center. The applicant had no concern whatsoever with any of the students, who had submitted the allegedly forged degree and duplicate certificates. There is no material to connect the applicant with the alleged offences. Since the applicant is gainfully employed and there is no

possibility of fleeing away from justice and tampering with evidence, as the offence revolve around documents, the applicant deserves the exercise of discretion, submitted Mr. Sale.

8. As against this, the learned APP would urge that the investigation has revealed the complicity of the applicant. Three of the students whose statements have been recorded have specifically named the applicant as the person who had procured the allegedly forged degree and diploma certificates for wrongful gain. The custodial interrogation of the applicant is warranted to facilitate further investigation as the alleged offences have serious ramifications, urged Smt. Takalkar.

9. I have perused the statements of three of the students, whose certificates were found to have been forged. Each of the students has named the applicant as the person who procured the certificates by accepting money, in installments. The applicant allegedly made a representation that he would procure the degree and diploma certificates, obtained the copies of the documents from each of the students and after accepting money delivered those allegedly forged degree and diploma certificates.

10. Mr. Sale would urge that, at this stage, the aforesaid statements partake the character of the statements of the co-accused and that is the only material against the applicant.

11. The submission that the statements of the students, who can also be said to be privy to the offences, partake the character of statement of the co-accused may carry some substance. However, at this stage, the said statements can be considered by the investigating officer for the purpose of investigation. Therefore, further submission on behalf of the applicant that those statements are of no consequence at all, can not be acceded to.

12. The fact that three of the students have implicated the applicant, with specific allegations of representation, acceptance of wrongful gain and delivery of forged certificates, can not be brushed aside as inconsequential. Prima facie, the allegations appear to be grave. The alleged offences have the propensity to undermine the sanctity of the academic institutions and proliferate professionals with fake degrees and certificates. The custodial interrogation is indispensable for an effective and complete investigation. The manner of forgery, the persons involved therein, the magnitude of the malady and the identity of the beneficiaries of the alleged fraudulent acts can only be ascertained post custodial interrogation.

13. I am, therefore, not persuaded to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

- 1] The application stands rejected.
- 2] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

(N. J. JAMADAR, J.)