



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 575/2023

Nitesh Namdeo Zade and others V/s State of Maharashtra.

WITH

CRIMINAL APPLICATION (ABA) NO. 619/2023

Monika Punjabrao More and another V/s State of Maharashtra.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.R.Fule, counsel for the applicants.

Ms. T.rupti Udeshi, APP for the non-applicant/State.

CORAM : **URMILA JOSHI-PHALKE, J.**

DATE OF RESERVE : **30/11/2023.**

DATE OF PRONOUNCEMENT : **07/12/2023**

1. Heard.
2. Both the applications are for pre-arrest bail in connection with crime No. 801/2023 registered at Police Station P.S. Ramnagar, District Chandrapur for the offences punishable under Sections 420, 467, 468, and 471 read with Section 34 of the Indian Penal Code, 1860.
3. The applicants are apprehending arrest at the hands of the Police as the accusation is made against them on the basis of a report lodged by Narendra Vithobaji Khandekar, who is serving as a Deputy Collector, Chandrapur. As per the allegation, the star question was raised in the Assembly, regarding the

certificates issued to the Project Affected Persons on the basis of forged documents.

4. As per the allegation, out of 128 Project Affected Persons, 72 certificates are on the basis of forged documents. It is alleged that present applicants have prepared the forged documents and on the basis of forged documents, obtained the Project Affected Persons Certificate.

5. Learned counsel for the applicant Mr. A.R.Fule submitted that the present applicants are not involved in the act of creation of a forged Project Affected Persons' Certificate. He further invited my attention towards the communication issued to the applicant namely *Monika Punjabrao More* in criminal application No. 619/2023 and submitted that said communication sufficiently shows that the land survey No. 59/3 of *Sampat Govinda More*, was acquired and Project Affected Persons' Certificate was issued to her.

6. He submitted that this fact itself is sufficient to show that with the false allegation, the crime is registered against her and other applicants. All the applicants have received the Project Affect Persons' Certificate, as their lands are acquired, and on verifying the documents. Thus, a prima facie case has not made out against them. They have also not obtained any

benefit of using the said certificate, therefore, their custodial interrogation is not required and they be protected by granting protection by releasing them on anticipatory bail.

7. Per contra, learned APP Ms. Triupti Udeshi strongly opposed the present application on the ground that for issuing this certificate to the present applicants, the officer from Collector Office, Chandrapur as well as Chandrapur Thermal Power Station's Officers' are also responsible. During the investigation, it reveals that the present applicants produced forged and fabricated documents though their lands were not acquired, and obtained the Project Affect Persons' Certificate and used the same to obtain the job. The applicants have submitted such documents for gaining employment and they underwent the training at Thermal Power Station. As the star question was raised in the Assembly, the investigation was conducted and it reveals that out of 128 persons, only 72 persons have obtained the forged certificates, and prayed for rejection of the application.

8. She further placed reliance in the case of *Pratibha Manchanda & anr. Vs. State of Haryana, (2023) 8 SCC181* and submitted that while deciding anticipatory bail application, the Court has to bear in mind the personal liberty as well as the gravity of the

offence and impact of the said offence on the society, and on weighing the same, has to decide whether bail should be granted or should not be granted.

9. After hearing both the sides and on perusal of the investigation papers, it reveals that applicant Monika Punjabrao More has obtained Project Affected Persons' Certificate on the ground that her father Sampat Govinda More was owner of the survey No. 59/03 admeasuring 24R was acquired by the Government. She placed reliance on the communication of the Land Acquisition Officer, which shows that the compensation was disbursed to Sampat Govinda More but no documents are available in the Collector's Office. Learned counsel for the applicant Mr. A.R.Fule also placed reliance on the certificate issued to the applicants under the Project Affected Persons' Scheme and also placed on record the certified copy of the Award which shows that the land of Sampat Govinda More is acquired.

10. After perusal of the investigation papers, it reveals that investigating officer has recorded the statement of Balaji Arjun Shewale, Sub Divisional Officer and Land Acquisition Officer, who stated in his statement that after registration of the crime bearing No. 801/2023 he has verified the record available in

the office and it revealed to him that the land standing in the name of father of the Monika More was never acquired for the Thermal Power Station and no compensation was awarded to her. The investigating officer has also collected the information and submitted a detailed report before the Sessions Court, Chandrapur dated 27/08/2023. He specifically mentioned that the applicants namely *Rupesh Suresh Petkar, Manisha Bandu Gorkar, Amol Shamrao Bobde, Shital Shivaji Milmile, Mehul Gautam Gedam, Ritesh Balnath Mohitkar, Harish Shankar Borkar, Rakesh Patruji Zade, Prasik Amardip Lokhande, Bhagyashree Dinkar Sonwane, Rajni Vijay Ramteke, Sanyojita Shubhaschandra Dholane, Saurabh Ashok Sonkusare and Nitesh Namdeo Zade* have obtained the Project Affected Persons' Certificate but the lands bearing No. 23 situated at Bhadrawati are not acquired either in the name of Prajkta Ramesh Darekar or her family member, survey No. 125/1 situated at *Mouza Chaura, Bhadrawati* was not at all acquired, for which the *Swapnil Shankar Pawade* has obtained the Project Affected Persons' certificate, no land is acquired either in the name of *Suresh Sakharam Petkar* or his family members, the land i.e. house No. 14 against which *Manisha Bandu Gaurkar* has obtained the Project Affected Persons' Certificate is also not standing in the

name of Bandu Shivram Gaurkar, but it was acquired in the name of another person.

11. It further reveals that house number 153 situated at Mouza Awanda, against which the applicant Amol Shamrao Bobde has obtained the Project Affected Persons' Certificate was never acquired, the land survey No.2 admeasuring 45.10 was not acquired in the name of Sheetal Shivaji Milmlile, the land bearing No. 43 situated at Mouza Tekandi is not acquired in the name of Mehul Gautam Gedam, the land of Ritesh Balnath Mohitkar, Harish Shankar Borkar, Rakesh Patruji Zade, Prasik Amardeep Lokhande, Bhagyashree Dinkar Sonwane, Rajni Vijay Ramteke, Sayojita Subhashchandra Dholne, Saurabh Ashok Sonkusare, Nitesh Namdeo Zade was never acquired. It further revealed that Sayojita Subhashchandra Dholane has produced the forged and fabricated documents.

12. Ms T.H. Udeshi, learned APP submitted that in various recruitment process for various posts, in the State of Maharashtra, near about 100 such certificates have been issued and used in different recruitment processes. She further submitted that if the applicants are released on bail by taking a liberal view, in the near future, this phenomena may attend its peak and then the situation would be grave and beyond control.

Considering the submission made by the learned counsel for the applicant and learned APP, and after going through the record while exercising discretion, the Court has to consider the fact that certificates are obtained when the lands are not acquired. The applicants have participated in the recruitment process on the basis of forged certificates. The participation of the present applicants in the recruitment process on the basis of the forged certificate while entering into the service, itself is a serious matter. They cannot start their career on the basis of forged and fabricated documents. All the applicants are educated persons, they ought to have given a thought before relying upon such a certificate of which they are having knowledge that certificates are false and fabricated.

13. Furthermore, in my opinion, in such a case, the applicants are not entitled for any protection, in view of the act, in which they are involved. Due to the act of the present applicants, the genuine persons who are eligible for the relevant posts are deprived.

14. In my view, anticipatory bail in such a crime cannot be granted by using discretion. Participation in the selection process with such fabricated documents

itself indicates the dishonest intention of the present applicants. I am not inclined to allow both applications.

Accordingly, I proceed to pass the following order:

The criminal applications are **rejected**.

[URMILA JOSHI-PHALKE, J]