

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CRIMINAL APPLICATION (ABA) NO. 922/2022

Suraj Singh s/o Karan Singh Yeotikar

.. Applicant

versus

The State of Maharashtra

Th: Its PSO PS Gadchiroli

.. Respondent

.....
Mr. A.M. Sudame, Advocate for the applicant

Mr. I.J.Damle, APP for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 17th April, 2023.

PC:

Heard.

2. The applicant is apprehending arrest in Crime No.862/2022 registered with Police Station, Gadchiroli, for the offences punishable under Sections 465, 468, 471 and 420 of the Indian Penal Code.

3. The learned counsel for the applicant submits that on 04.02.2004 the applicant was appointed on contract basis, as an Instructor in Physical Education with Directorate of Physical Education, Mumbai. He continued to work on contract basis till 2016. Thereafter, his services were regularized. The nomenclature of the post of Instructor was later on changed as 'Director' and, therefore, the applicant came to be appointed as Director of Physical Education.

4. The learned Advocate for applicant further submits that a pseudonymous complaint dated 20.12.2019 was lodged in the name of one Ramesh Patil. The FIR indicates that the person Ramesh Patil does not exist. The complaint was forwarded to the Hon'ble Chief Minister; so also the Department of Physical Education. Meanwhile, in October,

2020, the applicant was transferred to Government Science College, Gadchiroli. The Principal, Government Science College, Gadchiroli, on the basis of pseudonymous complaint has lodged a report stating therein that the applicant has submitted a false/ fake certificate of passing National Eligibility Test (NET) examination. The learned counsel for the applicant submits that the applicant possesses Ph.D. (Doctor of Philosophy) and therefore, does not require a NET certificate.

5. The learned APP, however, has invited my attention to the case diary to contend that upon the applicant's own showing, he has himself claimed to have passed NET examination and has furnished the NET certificate issued by the University Grants Commission. This certificate is found to be bogus. The certificate has been signed by the applicant as true copy and, therefore, requires thorough investigation.

6. The submission made by the learned APP would require favourable consideration inasmuch the investigation is in progress and *prima facie*, it appears that the certificate of passing NET has been furnished by the applicant. The contention of applicant that he does not require the certificate of passing NET because he possesses Ph.D. will be considered by the Investigating Officer (I.O.) before taking a decision to arrest or not to arrest the applicant, particularly considering the fact that the applicant was on bail from 30.12.2022 and continued to attend the Police Station on every Sunday between 10.00 am. to 12.00 noon. In other words, the I.O., considering all attending circumstances, shall take a decision whether the investigation could be completed without arresting the applicant. The learned counsel for the applicant submits

that the applicant has and will continue to cooperate in the investigation and that nothing is to be recovered from him or at his instance.

7. With the above observations, the Application is rejected.

[ANIL L. PANSARE, J.]

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