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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1664 OF 2023

Ajay Sakharam Dhapse

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

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Mr. P. D. Dahat h/f Mr. N. R. pawade, Advocate for the applicant
Mr. A. R. Kale, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 2nd JANUARY, 2024

ORDER :

1. Crime No. 730 of 2023 is registered against applicant for offence punishable under sections 420, 465, 467, 468, 471 and 472 of the Indian Penal Code.

2. Prosecution case, in short, is that, applicant participated in the process of recruitment of police constable, conducted by Superintendent of Police, Nandurbar in the year 2017. Applicant applied in the said process from 5% quota reserved for sports persons, by presenting Rugby-Football certificate and he was selected. When the certificate was sent for verification to the Director of Sports, Pune, by communication dated 20th March, 2018, it was informed that the certificate submitted by the applicant is fake. Thereafter, since the applicant is resident of

Aurangabad Division, the said certificate was forwarded to Deputy Director of Sports, Aurangabad Division. By letter dated 27th July, 2022, it was informed that the said certificate is valid. Since, there were two contradictory reports, one from Director of Sports, Pune and one from Divisional Deputy Director of Sports, Aurangabad, re-verification of the said certificate was done. During re-verification, by letter dated 29th March, 2023, Divisional Deputy Directors of Sports, Aurangabad Division has informed that applicant did not apply to his office for verification of his certificate, therefore, no file in respect of verification of Rugby-Football certificate of applicant is opened at his office. It is further informed that letter dated 27th July, 2022 was not issued by his office.

3. Junior Clerk from the office of Superintendent of Police, Nandurbar, therefore, lodged the FIR in question against the applicant.

4. Learned advocate for applicant submits that the authority which issued the certificate has confirmed about its validity by letter dated 27th July, 2022. It is internal communication between office of Superintendent of Police, Nandurbar and Divisional Deputy Director of Sports, Aurangabad Division and the applicant has nothing to do with the same. The inquiry in

respect of applicant's case is going on, since 2017 and the applicant has co-operated in the same. Applicant has not been given any appointment. Therefore, custodial interrogation of the applicant is not necessary in the present matter. According to him, applicant is innocent and he has not committed any offence.

5. Learned APP, on the other hand, strenuously opposed the application by relying on the investigation papers.

6. From the investigation papers it *prima facie* appears that applicant has produced fake certificate of Rugby-Football for securing appointment as police constable. There is no merit in the submission of the applicant that letter dated 27th July, 2022 is an internal communication between Divisional Deputy Director of Sports, Aurangabad Division and Superintendent of Police, Nandurbar and he has nothing to do with it. Since the applicant is the beneficiary, said letter appears to have been prepared at the instance of the applicant.

7. Allegations against the applicant are serious and investigation in respect of fake certificate and forged letter dated 27th July, 202 needs to be carried out, for that purpose custodial interrogation of the applicant is necessary. Therefore, this is not

a fit case to grant anticipatory bail. Application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE

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