



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1975 OF 2023

MOHANLAL BANSILAL BHUTADA

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Narayan B. Narwade, Advocate for Applicant

Ms. V.S. Chaudhari, APP for Respondents – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25th JANUARY, 2024

PER COURT :

1. Applicant apprehends arrest in Crime No.468/2023, registered with Georai Police Station, Beed, for offence punishable under Sections 420, 468, 471 of the Indian Penal Code.

2. FIR is lodged by Ankush Bhagwatrao Nakhate, Inspector of Social Welfare Department, alleging that one Balaji Omkar Pawar has filed Criminal Writ Petition No.208/2020 in this Court, wherein direction was given to register the offence and accordingly, FIR is being lodged. Applicant, at the time of execution of sale deed No.420/2012 dated 27/01/2012, annexed physical disability certificate issued by Social Welfare Officer, Zilla Parishad, Beed. The said certificate / identity card No.26749/2009 is not issued by Social Welfare Officer, Zilla Parishad, Beed. When record about issuance of said certificate was verified, there is no entry of issuance of that identity card. Applicant prepared said certificate / identity card by

forging signature of Social Welfare Officer and by using bogus stamps. Applicant, therefore, has committed offence of forgery and cheating.

3. Heard learned advocate for applicant and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. According to applicant said identity card does not show that applicant is physically disabled and for that purpose the same is issued to him. Applicant admits that he is not physically challenged. He further contends that he has not availed any benefit available to physically challenged people on the basis of said identity card / certificate. He, therefore, claims that he has not committed any offence and he may be granted protection.

5. Learned APP, on the other hand, submits that applicant is involved in commission of forgery and he has prepared forged identity card / certificate of physically challenged person, though he does not belong to that category. His custody is necessary to recover original documents of forged certificate / identity card.

6. There appears substance in contention of prosecution that applicant has forged certificate / identity card, which he has appended to the sale deed. Though applicant may not have claimed any benefit on the basis of said identity card / certificate, however,

that does not mean that applicant is entitled to obtain forged certificate. For recovery of original forged identity card / certificate and to ascertain as to how applicant could procure the same, custodial interrogation of applicant is necessary.

7. Since applicant is *prima facie* found involved in commission of offence of forgery, he does not deserve discretionary relief of anticipatory bail. Application, is therefore, rejected.

8. At this stage, learned advocate for applicant prays for continuation of interim protection granted to applicant. For the reasons stated in this order, said prayer is rejected. Interim protection stands vacated.

(NITIN B. SURYAWANSHI, J.)