

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CR. ANTICIPATORY BAIL APPLICATION NO. 333 OF 2024

Jyotirling Baburao Kolhapur ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Pratik Irpatgire for the Applicant
Smt. M. H. Mhatre, APP for the Respondent-State

CORAM : SARANG V. KOTWAL, J

DATED : 6th FEBRUARY, 2024

P.C.:

1. The Applicant is seeking anticipatory bail in connection with C. R. No. 887 of 2023 registered at Kherwadi Police Station, dated 22/12/2023 u/s. 420, 465, 468 & 471 of the Indian Penal Code.
2. Heard Irpatgire, learned counsel for the Applicant and Smt. Mhatre, learned APP for the Respondent-State.
3. The FIR is lodged by the administrative officer of MHADA, Smt. Yadav. Her case is that the Applicant had submitted forged documents showing that he was suffering disability of hearing. He had obtained the job as Dy. Engineer on 04/01/2023. The requirement was that the disability should be 41% or more. The Applicant had submitted a certificate issued by the Medical Authority, Latur dated 24/10/2012 mentioning that his disability

was 41%. After the recruitment, all the employees had to undergo medical tests and their documents were verified. Accordingly, when the Applicant was examined by the J. J. Hospital, it was noticed that he was suffering from 1% disability. Therefore, the FIR was lodged that the Applicant had submitted forged document to obtain the job.

4. Learned Counsel for the Applicant submitted that his certificate is not forged. He was given that certificate by the medical board at Latur way back in the year 2012 itself. Thereafter, he had obtained the certificate in online format. The Applicant is 27 years old and he has already lost his job. The medical tests conducted by J. J. Hospital was not proper. The Applicant had made representation to conduct another test. The Applicant himself had approached Ali Yavar Jung National Institute of Speech and Hearing Disabilities. They had conducted his test on 21/04/2023 and they had also certified that the Applicant's right ear was showing profound hearing loss and his left ear was showing mild hearing loss. He, therefore, submitted that his disability is genuine.

5. Learned APP submitted that as on today, the investigating agency does not have any definite material to show that the

certificate issued by the Latur Authority was a forged document or that no such test was conducted in the year 2012. The investigation is in progress.

6. I have considered these submissions.

7. At this stage, the Applicant has a certificate in his favour. The investigating agency has not verified that certificate. The Applicant himself had approached the aforementioned Ali Yavar Jung National Institute of Speech and Hearing Disabilities. Even that institute has given a certificate that there was profound hearing loss. More importantly, learned Counsel for the Applicant on instructions has made a statement that the Applicant is willing to undergo any tests to prove his disability. In my opinion, that would be a proper approach and if the Applicant co-operates and undergoes the medical test, then his custody will not be necessary. If it is found ultimately that he had used forged document then the next course would be conduct of the trial and possibility of the conviction of the Applicant. At this stage, the Applicant has some points in his favour. Therefore, his custodial interrogation is not necessary. He is willing to cooperate with the investigation and is also willing to undergo any medical test.

8. In view of this bonafide statement, I am inclined to protect

him. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with with C. R. No. 887 of 2023 registered at Kherwadi Police Station, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station from 26th to 28th February, 2024 between 1.00PM to 5.00PM and thereafter as and when called for.
- (iii) The Applicant shall make himself available for undergoing the required medical examination.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)