

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1058 OF 2024

YUGANDHARA
SHARAD
PATIL

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Dnyaneshwar Jagtap and Anr.

.... Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Sadanand Shetty i/b Preshit Bagul, for the applicants.

Mr. Nitin Patil, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 18th APRIL, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R No. 48 of 2023, registered at Nerul Police Station, Navi Mumbai, on 25/01/2023, under Sections 406, 420, 465, 468, 504, 506 of the Indian Penal Code.

2. Heard Mr. Shetty, learned counsel for the Applicants and Mr. Patil, learned APP for the Respondent-State.

3. The FIR is lodged by one Prasanjeet Dhotre. He has

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stated that his son Gaurav was studying in Raheja School at Mumbai in the year 2017. At that time, they came across an advertisement issued by Saraswati College, Kurla run by Pradynawant Pratik Pratishthan Trust. It was mentioned in the advertisement that those who had failed from standard 8th onwards would have an opportunity to study at home and they would be getting admissions in 12th and 13th standard. It was mentioned that they had permission of Mumbai University and Government permission to issue certificates. The informant approached that college in their branch at Nerul (East). They were told that Kurla branch was closed. The informant's son Gaurav took admission in the 12th and 13th standard. He paid Rs. 30,000/- for admission and other expenses. They issued receipts for Rs. 18,000/- which was the admission fee. They promised to give separate receipt of other expenses. In May 2019, the informant's son passed 12th and 13th standard and he was given a certificate to that effect. However, that certificate was not issued by the Mumbai University but it was issued by the Tilak Maharashtra Vidyapeeth, Pune. The informant inquired with the Saraswati

College. They promised to give the proper certificate. The informant paid fees for the third year and his son completed his education in the year 2021. It is alleged that the informant demanded the mark-sheet and degree certificate. But both the applicants did not give those documents. The Applicant Dnyaneshwar was the Director and the Applicant Ashwini was the facilitator. The informant approached Tilak Maharashtra Vidyapeeth,Pune. He was told that Saraswati College was the examination centre and facilitating centre. The students were not admitted in that college and they were not charging any fee for education. The informant made correspondence with Tilak Maharashtra Vidyapeeth,Pune. But they did not respond. He approached the Lokayukta. It is mentioned that Lokayukta directed Tilak Maharashtra Vidyapeeth,Pune, to issue the mark-sheet, the transfer certificate and the degree certificate. It is alleged that on 09/01/2023, the university gave him the mark-sheet for final examination of T.Y.BA and a transfer certificate. The degree certificate was not issued. It is alleged in the FIR that the excessive fee was taken by the Applicants and forged documents

were used. On this basis, the FIR is lodged.

4. Learned APP submitted that the allegations are about false representations because the accused had projected as if they were affiliated to Mumbai University. The other allegations are that they charged fees from the students when Saraswati College could not charge fees for the same. These are all serious allegations and therefore, the Applicants may not be protected.

5. Learned counsel for the Applicants invited my attention to Exhibit D of this application. It is a copy of application for entrance examination for B.A. course. Heading of the form itself shows that it was in respect of Tilak Maharashtra Vidyapeeth, Pune. The admission form was signed by the informant's son who was a student. His birth date was mentioned as 19/01/1999. This application is dated 05/09/2018. Thus, it is clear that the informant's son was very well aware that he was enrolling in the course for B.A. conducted by Tilak Maharashtra Vidyapeeth, Pune and not by the Mumbai University. Learned

counsel for the Applicants further submitted that the degree certificate was already sent to the informant's son after the FIR was registered. He relied on the receipt of the courier which is at Exhibit E in that behalf. Learned counsel produced a copy of the authority letter issued by Tilak Maharashtra Vidyapeeth, Pune addressed to the Center Coordinator, Pradyawant Pratik Pratishthan in respect of Saraswati College. The center code was mentioned as 427. It was mentioned that the said college was associated with Tilak Maharashtra Vidyapeeth, Pune from 2016 till that date i.e. 25/04/2022 as a facilitation centre to run four courses including the B.A. social Science. He, therefore, submitted that this is not the case wherein the Applicants have committed any offence. Therefore, the Applicants deserves protection under section 438 of Cr.P.C. He submitted that the informant had not mentioned all these facts in his FIR. The informant's son was studying in that College from 2018 and till lodging of the FIR in 2021, no grievance was made at all.

6. I have considered these submissions. The documents

relied on by the learned counsel for the Applicants show that the informant's son was very well aware that he was taking admission to the B.A. course conducted by the Tilak Maharashtra Vidyapeeth, Pune and not by the Mumbai University. The said college run by the Applicants' trust was described as the facilitation centre to run the courses. Accordingly, the informant's son was admitted and he got the mark-sheet and the degree certificate. Though the degree certificate was dispatched after lodging of the FIR, the fact remains that the degree certificate was issued. The important document is the Application form signed by the informant's son in the year 2018, wherein there was a clear mention of Tilak Maharashtra Vidyapeeth, Pune and not of Mumbai University. In this view of the matter, it is difficult to observe that the Applicants have committed any cheating or forgery. Sufficient doubt is raised against the allegations made by the informant. Therefore, the Applicants can be protected under section 438 of Cr.P.C. Hence the following order.

ORDER

- (i) In the event of their arrest in connection with

C.R No. 48 of 2023, registered at Nerul Police Station, Navi Mumbai, the Applicants are directed to be released on bail on their executing P.R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

- (ii) The Applicants shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)