

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

ANTICIPATORY BAIL APPLICATION NO.1293 OF 2024

Rohit Rajendra Yadav
versus
The State of Maharashtra

.... Applicant
.... Respondent
.....

- Mr. Karansingh Rajput a/w Devendra Patil, Advocate for Applicant.
- Mr. Avinash A. Naik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.211/2024, dated 04/04/2024, registered with Mulund Police Station, Mumbai, under sections 420, 465, 468, 471 of the Indian Penal Code and under section 12(1)(b) of the Passport Act, 1967.
2. Heard Mr. Karansingh Rajput, learned counsel for the Applicant and Mr. Avinash A. Naik, learned APP for the State.
3. The FIR is lodged by PC Pandurang Madhvi. The Applicant had made an application for getting passport at Passport Office, BKC, Bandra. During verification of his

documents, it was noticed that he had not tendered any document to show the birth date of his father. He was called to the police station in September 2023 and then he produced the birth certificate of his father. He also produced other documents. He informed the police that he had taken that birth certificate in 2023 from Varanasi. Further verification was made and in particular the birth certificate of the Applicant's father was verified. When the QR code on the Applicant's father's birth certificate was scanned, one website was opened. But it was found that it was a fake website. Therefore, it was realized that it was a forged certificate and therefore this FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant was selected to represent India in World Championship in Karate to be held at Kazakhstan in November 2023 and for that purpose he needed the passport. He submitted that he is a resident of Mumbai. His father was born at Varanasi. Therefore, it was difficult for him to get his birth certificate from Varanasi. For that purpose, he engaged an agent and made payment to him. That agent gave the said certificate to the

Applicant. He believed the genuineness of the certificate and tendered it before the police. He submitted that if the Applicant had any doubt about the genuineness of the certificate, he would not have tendered it before the police, who have specifically verified the documents in connection with the application for passport. He submitted that the Applicant himself is a victim in this racket.

5. Learned APP submitted that the website was not an authentic website and there is a possibility that many such people were either cheated or have been deliberately benefited by using that website. For that purpose, the investigation is going on. He however did not really oppose that there is a possibility that the Applicant himself could be a victim.

6. I have considered these submissions. I find force in the submission of learned counsel for the Applicant. The Applicant was selected to represent India in a World Championship. The Applicant is residing in Mumbai and therefore it was not unnatural or unusual for him to engage services of someone else from Varanasi in that connection. There is a strong possibility

that he himself had believed genuineness of the birth certificate, which was given to him. In this case, custodial interrogation of the Applicant will cause irreparable loss to him and his future. Therefore, it is sufficient if he cooperates with the investigation instead of suffering custodial interrogation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.211/2024, dated 04/04/2024, registered with Mulund Police Station, Mumbai, the Applicant is directed to be released on bail on his furnishing PR 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 as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)