

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

ANTICIPATORY BAIL APPLICATION NO.3624 OF 2023

Samadhan Babanrao Salunke

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Subodh Pathak a/w Durgesh Rege, Advocate for Applicant.
- Ms. Sharmila S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 15th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.62/2022 dated 21/05/2022, registered with Deccan Police Station, Pune City, under sections 406, 420, 465, 467, 468, 471 of the Indian Penal Code.

2. Heard Mr. Subodh Pathak, learned counsel for the Applicant and Ms. Sharmila S. Kaushik, learned APP for the State.

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3. The FIR is lodged by Dhananjay Kulkarni. He was working as a Secretary with Deccan Education Society, Pune. The FIR is lodged in respect of Cast Validity Certificate produced by one Sangita Sapkale. She had made an application for the post of Assistant Teacher in the said society on 13/05/1996. She had mentioned that she was belonging to a Scheduled Tribe. She was selected for the post in the reserved category. She was made permanent on 03/06/1998. As required by the Government Resolution dated 21/12/2019 said Swati (Sangita Sapkale) had not submitted the Cast Validity Certificate. Swati submitted photocopies of Cast Certificate and Cast Validity Certificate on 16/03/2020. The first informant got suspicious as Swati had submitted the documents within a short time. Therefore he made correspondence with the Cast Scrutiny Committee, Nandurbar. It was realized that it was a forged Cast Validity Certificate and therefore this FIR was lodged.
4. Learned counsel for the Applicant submitted that the Applicant is not named in the FIR. He has no connection with

the offence. The co-accused Vishwanath Sawkare is granted anticipatory bail by the Hon'ble Supreme Court and co-accused Arun Koshti is granted interim protection. He submitted that the Applicant's role is lesser. He is not the beneficiary and therefore he should be granted protection from the arrest.

5. Learned APP opposed these submissions. She further submitted that the investigation has revealed that the accused Vishwanath Sawkare had contacted the co-accused Arun Koshti about necessity of urgent copy of Cast Validity Certificate for the said Swati. Arun Koshti in turn told him that the present Applicant was doing that work and he would get the certificate. The Applicant gave a copy of the Cast Validity Certificate on WhatsApp message. Thereafter he gave the original copy which turned out to be a forged document. Therefore, as of today, the investigation reveals that the Applicant is the main offender, who had committed the forgery.

6. Learned APP pointed out that the Applicant has

committed a similar offence which is registered at Cuffe Parade Police Station vide C.R.No.436/2021 for forgery and cheating.

7. Considering the above discussion since the Applicant has committed similar offence more than once, his custodial interrogation is necessary to find out similar instances and his complicity in the present offence. The Applicant's role is different from Sawkare and Koshti. Therefore, no case for grant of relief u/s 438 of Cr.P.C. is made out. The application is rejected.

(SARANG V. KOTWAL, J.)