

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

CRIMINAL BAIL APPLICATION NO.1231 OF 2024

Salman Sana Jaffrey Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Vagal a/w Ms. Savvy Kolhekar and Mr. Kunal Pednekar for Applicant.

Ms. S.S. Kaushik, APP for State.

API D.M. Khedkar, Nashik Taluka Police Station, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 29th July 2024

P. C.:

1. Heard Mr. Aniket Vagal, learned Counsel for the Applicant and Ms. Kaushik, learned APP for the Respondent-State.
2. The relevant details of this regular Bail Application preferred under Section 439 of the *Code of Criminal Procedure, 1973* are as follows:

1.	C.R. No.	265 of 2023
2.	Date of registration of F.I.R.	7th August 2023
3.	Name of Police Station	Nashik Taluka
4.	Sections invoked	420, 465, 468, 471, 473 of the <i>Indian Penal Code, 1860</i> .
5.	Date of arrest	16th December 2023
6.	Date of filing Charge-sheet	14th February 2024

3. As per the prosecution case, the Applicant has prepared forged and fabricated mark-sheets and Degree Certificates of the para-medical course of B.Sc MLT and DMLT etc. and handed over the same to the students, who are also accused in the present offence and accepted monetary consideration for that purpose. The persons to whom these forged documents were handed over, used the same for securing employment or for enjoying other undue benefits. During the investigation, a printer and a laptop has been recovered at the instance of the Applicant.

4. It is the submission of Mr. Vagal, learned Counsel for the Applicant that the F.I.R. was registered on 7th August 2023, the Applicant was arrested on 16th December 2023 and the Charge-sheet was filed on 14th February 2024. Mr. Vagal submitted that the offences are triable by a Magistrate and that maximum punishment is imprisonment for 7 years. He submitted that the co-Accused have been released on bail and that the only material against the present Applicant is recovery of laptop and printer from the house of the Applicant.

5. On the other hand, Ms. Kaushik, learned APP strongly opposed the Bail Application. She submitted that the Applicant is involved in the offence in question which is against the society and it adversely affects the meritorious and honest students and graduates. She submitted that the offence is extremely serious in nature. She submitted that the

recovery of printer and laptop at the instance of the present Applicant are incriminating material against him and therefore the Bail Application be rejected.

6. Perusal of the record shows that there are about 47 Accused in the case. Out of 47 Accused, 24 Accused were arrested and 23 of them have been released on bail. Thus, out of said 24 Accused who were arrested, except for the Applicant, everyone else has been released on bail. Insofar as the other 23 Accused who have not been arrested, they are students who are beneficiaries of forged and fabricated mark-sheets.

7. Perusal of the record shows that the F.I.R. was registered on 7th August 2022, the Applicant was arrested on 16th December 2023 and the Charge-sheet was filed on 14th February 2024. Thus, the investigation is complete. There is no progress in the trial and even the Charge is also not framed yet. The offence is triable by a Magistrate and the maximum punishment is imprisonment for 7 years. The trial is likely to take a considerably long time.

8. The Applicant does not appear to be at risk of flight.

9. The Applicant does not have any criminal antecedents.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:

ORDER

- (a) The Applicant- Salman Sana Jaffrey Shaikh be released on bail in connection with C.R. No.265 of 2023 registered with the Nashik Taluka Police Station, District-Nashik on his furnishing P. R. Bond of Rs.1,00,000/- with one or two solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Nashik Taluka Police Station, District-Nashik on every Saturday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial and as and when required by the Investigating Officer.
- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the Trial Court shall decide the case on its own merits, uninfluenced by the *prima facie* observations made in this Order.

[MADHAV J. JAMDAR, J.]