

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2417 OF 2024

Gangaprasad Dhondiba Karpe

...Applicant

Versus

The State of Maharashtra

...Respondent

- Ms. Archana Pandharinath Gaikwad, for Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.
- Mr. Pramod Nimbalkar, PSI, Borivali Police Station.

CORAM : MANISH PITALE, J.

DATE : 10th SEPTEMBER, 2024.

P. C. :

1. Heard, Ms. Archana Gaikwad, learned counsel for the applicant and Mr. Kiran Shinde, learned APP for respondent – State.

2. On the last occasion the hearing on this application was adjourned to enable the learned APP to assist this Court by filing an affidavit along with documents from the charge-sheet showing the role of the applicant.

3. In the present case, the accused are facing prosecution for serious offences, including offences concerning forgery and fabrication in the context of such forged documents being prepared for Bangladeshi nationals to show them as Indian citizens. In this context, First Information Report No.0630 of 2023, dated 19.10.2023 was registered at Police Station Borivali, Mumbai, for offences under Sections 420, 465, 467, 468, 470 and 471 of the Indian Penal

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Code, 1860 (IPC), Section 6 and 23 of the Passport Act, 1950 Section 3 of Passport Act, 1920 as also Section 3(1)(A) and 14 of the Foreigners Act, 1946.

4. The allegation against the applicant is that he was involved in preparing forged and fabricated Aadhar Cards, Pan Cards and forged Birth Certificates of foreign nationals i.e. Bangladeshi citizens to falsely show them as Indians.

5. Apart from the statement of co-accused person, who implicated the applicant with the role of being actively involved in such forgery and fabrication, today the learned APP has referred to the reply affidavit and the documents filed therewith.

6. Amongst the documents, attention of this Court is invited to seizure *panchanama*, which shows that number of such forged and fabricated documents were recovered from a shop called Sainath Enterprises. It is alleged that the co-accused Sainath Yayilwad was the proprietor of the same. He is an absconding accused person. The applicant herein was found in the shop and recovery of such forged and fabricated documents was made from him. The Laptop and other such items used in such acts of forgery and fabrication were also recovered from the said spot at the behest of the applicant. Hence, this is a circumstance, which can be said to go against the applicant.

7. At this stage, it would not be appropriate to accept the defence of the applicant that he was merely an office boy, at the said establishment.

8. Reliance was sought to be placed on order granting bail passed by the Magistrate in favour of a co-accused lady, who was also alleged to have assisted in preparing forged and fabricated documents. A perusal of the order passed in her favour shows that she was found to be mother of three kids, one of whom was said to be handicapped. In addition, it was specifically recorded in the order that the police did not seize any incriminating material from the said co-accused person.

9. In the present case, as noted hereinabove, there is recovery of incriminating material, including forged and fabricated documents, as also the computer and other equipments used in creating such documents. In such a situation, it cannot be said that the applicant had no role to play in the present case and he can be enlarged on bail.

10. The charge-sheet is filed but, the co-accused i.e. the person said to be associated with the said establishment is still absconding.

11. No case is made out for granting bail. The application is dismissed.

(MANISH PITALE, J.)