

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2644 OF 2024

Rajvardhan Prakash Patil

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Aditya S. Raktade a/w Dnyanesh Patil, Aarti Shah & Anup Kamble, for the Applicant.

Ms. Ranjana D. Humane, APP for the Respondent/State.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th AUGUST, 2024

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1. The Applicant is seeking his release on bail in connection with C. R. No.38 of 2024 registered at Kodoli Police Station, Kolhapur on 26th February, 2024 under Sections 406, 420, 465, 467, 468, 471, 474, 475 and 120B of IPC.

2. The Applicant was arrested on 26th February, 2024 and since then he is in custody. The investigation in this case is over and the charge-sheet is already filed.

3. Heard learned counsel for the Applicant and learned APP for the Respondent/State.

4. The FIR was lodged by one Sushant Patil, who was

working as a Senior Clerk in the office of the Sub Divisional Officer, Panhala. The FIR was in respect of the construction permission given to one Sukumar Karwe purportedly issued from the office of the first informant. The construction permission was found to be a forged document. According to Suhas Karwe, who was son of Sukumar Karwe, the present Applicant had taken Rs.60,000/- from him and had given that forged construction permission purportedly issued by the SDO office. The investigation was carried out and some of the accused were arrested. The main accused in this case was accused No.2/Pruthviraj Dalvi. The allegations are that Pruthviraj Dalvi had forged certain certificates, Caste Certificates and other documents using identification number of E-Seva Kendra and prepared those documents.

Suhas Karwe had made an application dated 10th August, 2023 for getting a permission for construction in Gat No.583, Plot No.29, Gram Panchayat Assessment Property No.4361/B at village Kodoli, Taluka Panhala, District Kolhapur. That application was forwarded to the concerned Town Planning Department at Kolhapur for remarks. There were certain shortcomings in the application. Suhas Karwe was trying to get the relevant documents. In the meantime, he met the present Applicant, who assured Suhas Karwe that he would get the construction permission from the SDOs office. For that purpose, the Applicant accepted Rs.50,000/- in cash and gave the construction permission documents on 23rd December, 2023. Suhas Karwe showed that

permission to the bank, but he was told by the bank officers that the permission was always accompanied by the map. Suhas Karwe again contacted the Applicant, who obtained Rs.10,000/- more from Suhas Karwe. In the meantime, Suhas Karwe went to Kodoli Gram Panchayat to get the receipt of payment of taxes. He was advised to make inquiry with the SDO office. When Suhas Karwe made inquiries, it was revealed that the document regarding permission for construction was a forged document. The number mentioned on it was also false. The prosecution case is that the Applicant contacted accused No.2/Pruthviraj Dalvi, who was working in the office of SETU attached to Tahsildar Panhala. It is the prosecution case that the forged document of the permission to construct was forged in Pruthviraj Dalvi's house. The signature of SDO was forged on that document. The seal stolen from SDO office was used and that document was given to Suhas Karwe.

5. During the investigation, the accused No.2/Pruthviraj Dalvi was arrested. At his instance, a pen-drive was recovered from his house. There were 25 Caste Certificates, Non-Creamy Layer Certificates etc. Out of the 25 prints stored in that pen-drive, 5 were genuine and rest of the 20 documents were forged. The accused No.2/Pruthviraj Dalvi was working from Maha-E Seva Centre and therefore, people were knowing him. He took advantage of that and gave forged certificates to various persons. For that purpose, he was obtaining money. It is mentioned in the charge-sheet that the accused No.2/Pruthviraj Dalvi used VLE Name and OMTID of the E-

Setu owners. He used to pay them. After the documents were uploaded online, the accused No.2/Pruthviraj Dalvi used to transfer those documents to his tablet and used to make changes in those documents and used to issue those forged documents.

6. Learned counsel for the Applicant submitted that the scope of the investigation is quite large, however, the Applicant is concerned only with two witnesses; one is Karwe and other is Ladgaonkar, for whom he had obtained documents, which turned out to be forged documents. He submitted that the charge-sheet does not reveal that he was concerned with the other 20 documents mentioned in respect of Caste Certificates and Non-Creamy Layer Certificates etc. The main accused in this case is Pruthviraj Dalvi and he was doing that work for many other people as well. He further submitted that the Applicant is suffering from extreme obesity. His weight is 180 kg. The medical documents show that he had suffered heart attack in the past and had undergone Spine Surgery. For his further medical treatment, MRI needs to be done, but that facility is not available at Kolhapur, where he is lodged in the prison; because the MRI machine available there is smaller in size. The Applicant needs to take treatment from Pune and Mumbai, but he is unable to travel, because of his obesity. He submitted that investigation in this case is already over. His further custody is not going to serve any purpose.

7. Learned APP opposed these submissions. She relied on

the entire charge-sheet and in particular, the affidavit-in-reply filed by the Investigating Officer. The affidavit-in-reply again refers to the statements of Ladgaonkar and in that connection of one Ranjit Lokare. According to her, obesity is not a life threatening disease. She further submitted that it is a serious offence and the Applicant in collusion with others had not only cheated the victims in this case, but cheated the Government as well and therefore, bail should not be granted to him.

8. I have considered these submissions.

9. As mentioned earlier, the Applicant's direct connection is brought out in respect of the documents of Suhas Karwe and the Caste Certificates issued for Ladgaonkar. The statement of Suhas Karwe shows that he had met the Applicant in December, 2023. At that time, Suhas Karwe told the Applicant that his construction was stopped, because they did not get the requisite permission. At that time, the Applicant had told him that he would get that permission, as the SDO was known to him. For that purpose, he demanded Rs.50,000/- to Rs.60,000/-. The Applicant told him that the responsibility to pay the taxes would be on Suhas Karwe, once the construction permission was given. Subsequently, it turned out that the construction permission given by the Applicant to him was a forged document. His statement is supported by his father Sukumar Karwe and the other officers from the SDO office. At this stage, it is without doubt that the forged construction permission was created

and was given to Suhas Karwe. In that connection there is a statement of the Applicant's uncle Patangao Deshmukh, who has stated that total amount of Rs.5,000/- on two separate occasions were sent from this witness's phone number through Phone-pe to the main accused No.2/Pruthviraj Dalvi. He further stated that the Applicant had engaged Pruthviraj Dalvi to get that document.

10. Apart from these allegations, there is statement of one Ajit Ladgaonkar. This witness had contacted one Ranjit Lokare to get the Caste Certificates for his son, daughter, nephew and niece. For that purpose, he had paid Rs.40,000/- to Ranjit Lokare. The charge-sheet contains statement of the said witness Ranjit Lokare as well. His statement shows that he was knowing that the Applicant was doing such job and therefore, he gave Rs.40,000/- to the Applicant and within 15 days the Applicant gave those four Caste Certificates to Ranjit Lokare, who in turn gave them to Ladgaonkar. These Caste Certificates turned out to be forged documents. These are the two main allegations against the present Applicant regarding the forged construction permission and the four forged Caste Certificates. The prosecution case is that all these forged documents were actually created by the accused No.2/Pruthviraj Dalvi. This is the material against the present Applicant. However, the scope of investigation was quite wide and the investigation revealed that Pruthviraj Dalvi was regularly indulging in such activities and had created many such forged documents. The Applicant is not involved in the allegations in respect of the other documents. In this case, the

investigation is already over and the charge-sheet is filed. The Applicant's custody for investigation purposes is not required any more.

11. In this context, the observations of the Hon'ble Supreme Court in the case of *Krishna Damani Vs. State of West Bengal* in *Criminal Appeal No.2743 of 2024 on 27th May, 2024*, are relevant, which read thus :-

“A perusal of the counter affidavit filed by the respondent- State shows that investigation has been complete and a charge-sheet has been filed on 1st April, 2024 for the offences punishable under Sections 120B, 406, 403, 408, 409, 420 and 477A of the Indian Penal Code, 1860 (for short, “the IPC”). It is also mentioned that a supplementary charge-sheet will be filed as soon as a report of the experts of QDEB is received. It is stated that the supplementary charge-sheet will be on applicability of Section 467 of the IPC.

It is not in dispute that all the aforesaid offences are triable by the Court of the Magistrate. After the charge-sheet is filed, considering the nature of the offences, there is no reason to deny bail to the appellant. If there is any apprehension that the appellant may try to influence the prosecution witnesses, appropriate conditions can be always imposed while releasing the appellant on bail.”

12. In addition, it has to be noted that the Applicant is suffering from heart ailment. He has already undergone Spine Surgery and he is suffering from extreme obesity. The medical report shows that the necessary facilities are not available at Kolhapur.

13. Considering all these aspects cumulatively, I am inclined to grant bail to the present Applicant on certain conditions. Hence, the following order :-

ORDER

- (i) The Applicant is directed to be released on bail in connection with C. R. No.38 of 2024 registered at Kodoli Police Station, Kolhapur on 26th February, 2024 on his executing PR bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall deposit his Passport, if any, with the Investigating Agency before being released on bail.
- (iii) The Applicant shall not tamper with the evidence.
- (iv) The Applicant shall co-operate in expeditious disposal of the trial.
- (v) The Application is disposed of.

(SARANG V. KOTWAL, J.)