

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1431 OF 2024

Sushil S/o Kesharao Waghmare ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Nitesh H. Samundare, for the applicant.

Mr. M.S. Sonawane, APP for the State.

Arvind B. Gatkul, API, Daund Police Station.

CORAM : KISHORE C. SANT, J.

DATE : 28th May 2024
(Vacation Court)

PC:

1. Heard the parties.
2. The applicant is before this Court seeking his release on bail in the event of his arrest in connection with offence registered with Daund Police Station, Pune Rural, bearing C.R. No. 0059 of 2024 dated 27.01.2024 for the offence punishable under Sections 420, 465, 468, 469 and 471 of IPC. The FIR is lodged by Assistant Commandant, SRPF, Group 5, Daund. It is alleged in the FIR that this applicant appeared in the recruitment process of SRPF for the post of Armed

Force Constable in the year 2021. He claimed benefit of reservation from the Sports Men Category and for that he produced a certificate purportedly issued by the Commissioner, Sport and Youth Services, Maharashtra State dated 18.08.2023 for a sport “Sepak Takraw”. For the verification of the said certificate, a communication was issued to the said office. The office of Director of Sports by letter dated 03.10.2023 communicated that no such certificate is issued by the said office. The complaint therefore, came to be lodged as the applicant has secured appointment on the basis of such fabricated certificate, when he was not qualified. It is also alleged that earlier also this very applicant had tried to secure a job in Wardha. He was not given appointment at Wardha on receiving complaint of similar nature. The complaint was lodged under the sections mentioned hereinabove.

3. Learned advocate for the applicant strenuously argued that in fact the sport for which the certificate was issued was very much recognized by the Maharashtra Olympic Association. Certificate is issued by the authority. He relies on the communication dated 12.04.2009 by Maharashtra Olympic Association addressed to the General Secretary, Maharashtra ‘Sepak Takraw’ Association, Nagpur informing that the said game is recognised by the State Association. He

submits that earlier in the recruitment process at Wardha he was not given appointment only for the reason that the said sport is not recognised and not for the reason that the certificate is bogus or fabricated. He further submits that the applicant would loose right to get an appointment if the bail is not granted and prays for allowing the application.

4. Learned APP on instructions from the I.O who is present in the Court strenuously submits that this is clear case of fabrication. The question is not about the sports but is about the bogus certificate. There is clear communication from the Director of the Sports and Youth Services, Pune that no such certificate is issued to the applicant. The applicant is in habit of securing the appointment on the basis of this certificate. Earlier he was not appointed by the authority at Wardha. The applicant still uses such certificate in another recruitment process. He submits that there appears to be a racket of such persons. It is for that purpose custodial interrogation is necessary and prays for rejection of the application.

5. After hearing the parties this Court finds that Director of Sports and Youth Services has in specific terms communicated that the certificate produced by the applicant is not issued by the said office.

The said communication is sent after due verification from the record. It is also seen that even on earlier occasion the applicant has used such certificate to secure the job with SRPF.

6. Considering this, the applicant does not deserves any protection from this Court. Hence the application stands rejected and disposed of accordingly.

(KISHORE C. SANT, J)