IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1843 OF 2024

Jayashree Sachin Shelke … Applicant
Vs.
State of Maharashtra … Respondent

Mr. Sanjay P. Shinde a/w. Mr. Rajesh Kamble for Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.
Mr. Tushar Manohar Garud, Assistant Police Inspector, Ozar Police Station, Nasik Gramin.

CORAM : MANISH PITALE, J.
DATE : JULY 08, 2024

P.C. :

. Heard Mr. Sanjay Shinde, learned counsel for the applicant and Mr. Kiran Shinde, learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0029 of 2024 dated 18.02.2024 registered with Ozar Police Station, District - Nashik Rural, for offences under Sections 323, 494, 498-A, 504 and 506 of the Indian Penal Code, 1860 (IPC).

3. In the first place, the applicant was not named as an accused in the FIR. Subsequently, upon investigation, further offences under Sections 420, 465, 467, 468 and 471 of the IPC were added and the name of the applicant was also included as an accused person.

4. The allegation against the applicant appears to be that she was instrumental in forging a residence certificate issued in favour of accused No.6 - Savita Sandip Bendkule, who is alleged to be the second wife of accused No.1 - Sandip Dagu Bendkule. It is also alleged that the forged residence certificate was issued on the basis of a forged ration card and that, further investigation in that regard is being undertaken.

MINAL SANDIP PARAB Digitally signed by MINAL SANDIP PARAB Date: 2024.07.09 14:20:11 +0530

The learned counsel for the applicant submits that he has no concern with the matrimonial dispute of the informant with her husband i.e. accused No.1 and in that regard her allegation that the accused No.1 has married accused No.6. It is submitted that the informant seems to have alleged that the accused No.6 managed to obtain job of *Anganwadi Sevika* on the strength of the said forged residence certificate. It is submitted that the applicant is a village level entrepreneur and she is authorized to issue such certificates on the basis of documents provided by parties. It is further submitted that the applicant did issue the certificate in favour of accused No.6 - Savita Sandip Bendkule on the basis of documents provided by the said individual and the list of such documents is mentioned in the certificate itself. According to the applicant, if the documents submitted in support of the application for issuance of residence certificate are forged or fabricated, the applicant who is only a village level entrepreneur cannot be foisted with criminal liability. On this basis, it is submitted that this Court may consider granting relief as the applicant is ready to co-operate with the investigation.

5. On the other hand, the learned APP relies upon the investigation papers and he submits that a residence certificate was produced by accused No.6, while applying for the job of *Anganwadi Sevika*. The investigation has revealed that the said certificate is forged. It shows the name of the applicant as the person, who issued the said certificate and therefore, the involvement of the applicant is obvious and further investigation including custodial interrogation of the applicant is necessary.

6. This Court is of the opinion that while the present application can be kept pending and the applicant can be directed to join the investigation, a case for granting interim order is made out. This is

because the applicant is not denying the fact that the residence certificate was indeed issued to the accused No.6 as the applicant is a village level entrepreneur. It is the case of the applicant that she had issued the aforesaid certificate on the basis of the documents submitted by the accused No.6 in support of her application. It is further asserted that the details of such application and the fact that the certificate was issued can be verified, even today, from the relevant portal. The applicant is ready to co-operate with the investigating officer to access the portal in order to support the said stand of the applicant. This Court finds that the FIR initially pertains to a matrimonial dispute raised by the informant against accused No.1 (husband) and other relatives, in addition to which, the allegations have been made against accused Nos.1 and 6 that they have married each other. The aspect of accused No.6 having obtained employment as *Anganwadi Sevika* on the strength of an alleged forged residence certificate, has to be viewed in the backdrop of such a matrimonial dispute. The applicant is not directly related to either of the parties. So long as the applicant is ready to co-operate with the investigation, she has indeed made out a case for granting interim relief.

7. In view of the above, the following interim order is passed:-

A. Till the next date, in the event the applicant is arrested in connection with FIR No.0029 of 2024 dated 18.02.2024 registered with Ozar Police Station, District - Nashik Rural, she shall be released on bail on furnishing PR Bond of Rs.15,000/- [Rupees Fifteen Thousand only] with one or two sureties in the like amount;

B. The applicant shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 10.07.2024 and thereafter, as and when called by the investigating officer;

C. The applicant shall co-operate with the investigation,

including providing access to the concerned portal for verifying the procedure followed, while issuing residence certificate in favour of the accused No.6;

D. The applicant shall not influence the informant, witnesses or any person concerned with the case and she shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions may result in this order being recalled.

10. List the application for further consideration on 30.07.2024.

(MANISH PITALE, J.)

Minal Parab