IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2423 OF 2024

Dipti Vasant Gawde ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Milan Desai a/w Mr. Rohan Naidu and Mr. Sudeep Sharma for the Applicant.
Mr. Bapu V. Holambe-Patil, APP for Respondent-State.

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CORAM: MANISH PITALE, J.
DATE : 11th SEPTEMBER 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0473 of 2024 dated 19th July 2024 registered at Rajarampuri Police Station, Dist. Kolhapur, for offences under Sections 420, 468 and 471 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is a Deputy Registrar of the Shivaji University, Kolhapur, who has approached the Police stating that the applicant has cheated the University and given it a bad name by relying upon forged and fabricated degree certificate and mark-sheets, while securing employment with an employer.

4. The learned counsel for the applicant submits that the applicant in the present case is the victim because she undertook a distance learning program for B.Com degree from the said University on the suggestion of one Mr. Patil. It is contended that the applicant made payments of amounts over a period of time, totaling to Rs.65,000/- to one Pro Active Classes, when she was given an impression that distance learning was being facilitated from the said University. It was further claimed that the applicant had even appeared for examination by visiting Kolhapur. It was only when her degree certificate, submitted while securing employment with the employer, was sent for verification to the said University, it came to light that the documents were fake.

5. Much emphasis is placed by the learned counsel for the applicant on a letter dated 21st June 2021 submitted by the applicant to the University, stating the manner in which she was duped and further making a request that if other such students were being duped, the University ought to take appropriate remedial measures.

6. On the other hand, the learned APP submitted that a bare perusal of the documents filed along with the application as proofs of payment to Pro Active Classes, show that such payments were made in the years 2022 and 2023, while the mark-sheets and certificate pertained to the year 2017, 2018 and 2019. Hence, the payments cannot be correlated to the aforesaid degree and mark-sheets. The entire claim made by the applicant is therefore false

and investigation is necessary into the *modus operandi* used in such cases, wherein a number of persons may also be involved.

7. This Court has perused the letter dated 21st June 2024 submitted by the applicant to the University. In the said letter, the applicant has indeed claimed that she had filled online forms and taken admission for 3 years B.Com course and also made payments to the said Mr. Patil. She has further claimed that she had come to the examination centre of the University at Kolhapur, to be appear for examinations periodically. She further went on to request the University to take appropriate steps, so that other students like her, may not be duped. At first blush, this appears to be a communication submitted by the applicant to the University as a victim of fraud, but further analysis of the material on record shows that the aforesaid impression sought to be crated by the applicant is not borne out from the documents on record.

8. The learned APP has correctly pointed out that the proofs of payment submitted along with the application to “Pro Active Classes” pertained to the years 2022 and 2023. Even according to the applicant, she took the degree course between 2016 to 2019. A perusal of the copies of the mark-sheets purportedly issued to her by the University shows that these mark-sheets pertained to the year 2017, 2018 and 2019, with the final year examination shown as March/April 2019. Hence, the proofs of payments pertaining to the years 2022 and 2023 can have no relevance to the aforementioned period between 2016 to 2019. It is also

relevant to note that the copies of mark-sheets placed on record state that they pertained to the course of Bachelor of Commerce Regular. This belies the claim of the applicant that she had undertaken distance learning program. Therefore, there is much more than meets the eye in the present case and the material on record *prima facie* indicates ingredients of the offence registered against the applicant.

9. The Investigating Authority is entitled to further investigate into the matter to find out the exact *modus operandi* and as to whether other persons are involved in such *modus operandi*, resulting in fake mark-sheets and fake degree certificates being used by individuals.

10. No case is made out for anticipatory bail. The application is dismissed.

MANISH PITALE, J.