



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.187 OF 2024

Hausaji s/o Bhimrao Deshmukh

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Frezarpura, Amravati, District Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. B. Gandhe, Advocate for applicant.
Ms. H. N. Prabhu, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/06/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.638/2023 registered with Police Station, Frezarpura for the offences punishable under Sections 419, 420, 465, 467, 468, 471 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The applicant is apprehending arrest at the hands of police, as crime is registered on the basis of report lodged against him, on an allegation that the co-accused namely, Manoj Dadaji Raut against whom the investigation was carried out by Police Station Gadchiroli in Crime No.291/2023, wherein it revealed that said Manoj Raut joined the Government service on the basis of forged certificate of Project Affected Person. Thereafter, the police investigated in the said allegation against the Manoj Raut and visited the

office of the District Collector. During verification of the said documents, it reveals that the certificate has been tampered which was one of the Narhari Sarjerao Khadagade, and instead of his name, the name of the co-accused Manoj Raut has been mentioned that. On the basis of such primary enquiry and on the basis of statement given by him, it was found that he obtained the job on the basis of forged certificate. During the investigation, one other co-accused Siddesh Narendra Patil has been added in the said crime. The statement of the said Siddesh Narendra Patil reveals the involvement of the present applicant. During the investigation, it reveals that the present applicant has assisted the several other persons to obtain the forged Projected Affected Certificate to secure the benefit of the Government service.

3. It is submitted by the learned Counsel for the applicant that already Crime No.291/2023 was registered, therefore the second FIR cannot be filed against the present applicant with the similar allegations. He further submitted that now investigation is already completed, the physical incarceration of the present applicant is not required.

4. He placed reliance on the decision of **T. T. Antony Vs. State of Kerala** and others reported in **AIR 2001 SC 2637** and submitted that wherein the Hon'ble Apex Court has held that there cannot be

second F.I.R. and consequently there cannot be fresh investigation on receipt of every subsequent information in respect of the same cognizable offence or the same occurrence.

5. Learned APP strongly opposed the said application on the ground that the applicant is involved in a serious crime like preparing the forged certificate. During the investigation, it revealed that present applicant has obtained the forged certificate with the help of Siddesh Patil and therefore initially crime was registered. Subsequently, it reveals that present applicant has not only procured the certificate for him but also procured the certificates for others and therefore, the another crime is registered against him. Thus, there is no second FIR against the present applicant for the similar offence.

6. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. It reveals from the investigation papers that one Police Constable Manoj Dadaji Raut has procured the false forged certificate and produced it and obtained the Government service and secured the benefit under the forged Project Affected Certificate. Regarding the same, the Crime No.291/2023 was registered. During the investigation of the said crime, the involvement of the co-accused is also transpired. During the investigation, the statement of said Siddesh Patil was recorded as well

as statement of the other witnesses also recorded. From the statement of the various witnesses it reveals that present applicant approached to various persons. He not only obtained the forged Project Affected Certificate for himself but he has obtained the said certificate with the help of Siddesh Patil for the other persons also. Thus, said Siddesh Patil as well as the present applicant have obtained the said forged certificate to secure the benefit of Government service by using the said forged certificate. Thus, it is apparent that since inception the intention of the present applicant and the other co-accused to chit the Government agency by producing the forged certificate. Considering the nature of the crime, admittedly, the offence which is of serious nature, the custodial interrogation of the present applicant is required, in view of that, the application deserves to be rejected. Hence, I proceed to pass following order:

The application is rejected.

(URMILA JOSHI-PHALKE, J.)