



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

CRIMINAL APPLICATION (ABA) NO.559 OF 2023

Ganesh Dilip Kadam

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, City Koitwali,
Akola, District Akola

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

Court's or Judge's orders

Mr. MD Naveed Opai, Advocate for applicant.

Ms. T. H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 04/01/2024

1. Heard.

2. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.131/2023 registered with Police Station City Kotwali, Akola, District Akola for the offence punishable under Sections 420, 468 and 471 of the Indian Penal Code.

3. The applicant is apprehending arrest at the hands of the Police as the accusation is made against him on the basis of a report lodged by Kailash Sukhdev Chavre who is serving in Police Department in Police Head Quarters, Akola. As per the allegation, present applicant Ganesh Dilip Kadam is resident of Aher Wadgaon District Beed and appeared for the recruitment as a Police Constables in a recruitment process of dated

06.12.2022. During document verification it revealed that he has submitted the forged Project Affected Person Certificate to get the benefit of the service and used the said certificate as genuine one. On the basis of said report, the police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that the crime is not registered against the present applicant alleging that he has prepared the said forged certificate. He has also not sought any benefit on the basis of said certificate, therefore custodial interrogation of the present applicant is not required. He further submitted that in the similar facts of the case this Court in **Anticipatory bail Application No.171/2019 (Sachin Eknath Dange Vs. The State of Maharashtra)** dated 12th March 2019 granted the anticipatory bail. With above submissions, he submitted that in the present case also as there is no allegation the present applicant has prepared the false certificate and not obtained the benefit. He be released on anticipatory bail in the event of his arrest.

5. Learned APP strongly opposed the application on the ground that present applicant has used the forged certificate as genuine one with intention to obtain the benefit under the Project Affected Persons Scheme. She further submitted that there are several persons who have obtained the Project Affected Persons Certificate. Out of 128 Projected Affected Persons, 72 certificates are

found to be forged one. As the present applicant has used the said certificate as a genuine one and considering the nature of the offence, the application deserves to be rejected.

6. She also placed reliance in the case of **Pratibha Manchanda & anr. Vs. State of Haryana**, reported in **(2023) 8 SCC 181** and submitted that while deciding anticipatory bail application, the Court has to bear in mind the personal liberty as well as the gravity of the offence and impact of the said offence on the society, and on weighing the same, has to decide whether bail should be granted or should not be granted.

7. After hearing both the sides and on perusal of the investigation papers, it reveals that applicant who appeared before the Police Authorities for recruitment as a Police Constable produced the forged certificate, it reveals during the verification that the certificate obtained is a forged certificate and it is used as a genuine certificate.

8. After perusal of the investigation papers, it further reveals that Investigation Officer has carried out the investigation, it reveals that several persons have obtained the Projected Affected Persons Certificate out of 72 certificates are found to be forged one. Considering the allegation and the investigation papers and the submission made by the learned APP that in various

recruitment process for various posts, in the State of Maharashtra, near about 100 such certificates have been issued and used in a different recruitment process. She further submitted that if the applicants are released on bail by taking a liberal view, in the near future, this phenomena may attend its peak and then the situation would be grave and beyond control. Considering the submission made by the learned APP and after going through the record while exercising discretion, the Court has to consider the fact that certificates are obtained when the lands are not acquired. The applicants have participated in the recruitment process on the basis of forged certificate. The participation of the present applicant in the recruitment process on the basis of the forged certificate while entering into the service, itself is a serious matter. It is not expected that the applicant can start his carrier on the basis of forged and fabricated document. The applicant is educated person he ought to have given a thought before relying upon a such a certificate of which he is having knowledge that certificate is false and fabricated one.

9. In my view, anticipatory bail in such a crime cannot be granted by using discretion. Participation in the selection process with such fabricated documents itself indicates the dishonest intention of the present applicants. In view of that, I am not inclined to allow this application. Accordingly, the application deserves to

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be rejected. Accordingly, I proceed to pass following order.

ORDER

The Criminal Application is rejected.

(URMILA JOSHI-PHALKE, J.)