



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 794 OF 2025

Ameerunnisa Nooruddin Maniyar

Versus

The State of Maharashtra & Anr.

Mr. F. K. Patel for the Applicant.

Smt. M. L. Sangit, APP for the State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 20 JUNE 2025

P. C.:

1. The Applicant has preferred the present Anticipatory Bail Application apprehending arrest. The proceedings relate to CR No.0089 of 2025. The FIR was filed on 13 March 2025 at 23:14 hours by the Shivaji Nagar Police Station, Latur. The Sections invoked are 318(4), 336(3), 338 and 340(2) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”). There are 9 accused persons, details of whom are disclosed in the said FIR (page nos.26-27 of the application). The present applicant is accused no.2 as disclosed in the said FIR. It is on the basis of the information report of the first informant, namely, Ganesh Dattatraya Sarode, aged 48 years that the said FIR was lodged.

Case in FIR:-

2. The applicant had submitted an application dated 19 March 2024 under Section 13(3) of the Birth and Death Act, 1969 for obtaining a

birth certificate. Along with this application, he had also submitted an affidavit, list of documents, certificate of information non availability, Aadhar Card, Ration Card, light bill and affidavit of being illiterate, which was registered as Office Order No.1016. The informant found that the applicant obtained Office Order dated 26 September 2024, by filing forged documents. For its review, the Tehsildar issued notice to the applicant on 24 February 2025. It was heard on 27 February 2025 and 05 March 2025. Advocate was present, written say and evidence were filed on behalf of the present applicant. He found that Aadhar Card of the applicant is not being scanned and suspected to be forged, one which was obtained by cheating and producing false documents i.e. Aadhar Card. Hence, it created suspicion on the above documents. This applicant filed forged documents and thereby committed forgery and cheating. In such circumstances, the FIR has been lodged.

Submissions:-

3. Mr. Patel, learned counsel for the applicant, would contend that a bare perusal of the FIR would indicate that the Sections invoked would not apply as far as this applicant is concerned. He would urge that the Aadhar Card, which was submitted was subsequently scanned and accepted by the investigation officer. Accordingly, there is no issue/question of any cheating and/or deception. At the highest, there could be some defects in the material particulars in the said Aadhar Card that was submitted. There was no intent

to cheat or defraud the Government in any manner whatsoever. He would also submit that the applicant does not have any criminal antecedents. Accordingly, he would submit that this is not a fit case for custodial interrogation and the applicant could be granted anticipatory bail.

4. On the contrary, Smt. Sangit, learned APP would vehemently oppose the Anticipatory Bail Application. Supporting the contents of the FIR, she would submit that this is a clear case where a *modus operandi* has been orchestrated by all of the accused persons with a view to cheat and defraud the Government. She would, however, submit that the Advocate for the applicant is not wrong in submitting that subsequently the details of the biometrics have matched and the Aadhar Card has been too accepted. However, for the purpose of an effective investigation, in her submission, custodial interrogation is warranted and thus the Anticipatory Bail Application deserves to be rejected.

Findings:-

5. Heard learned Advocates for the parties and with their assistance, I have perused the record. From a bare perusal of the FIR, I find that most of the accused persons so named in the FIR are illiterate. It is not in dispute that the applicant has submitted various documents for the purpose of obtaining birth certificate under the provisions of the Birth and Death Act. In this process, one of the documents is the Aadhar Card. It cannot be ruled out that there have been some deficiencies, defects and/or

irregularities in such Aadhar Card submitted by the applicant. However, the fact remains that the biometrics in respect of all the Aadhar Cards of the accused persons have matched as also they have been successfully scanned and gone through in the system.

6. In such view of the matter and in the given facts and circumstances, in my *prima facie* opinion ingredients of the Sections invoked in the FIR are not applicable as far as the applicant before the Court is concerned. For such reason, the irregularities even if material cannot be given colour of illegality with an intent to cheat the Government, at this *prima facie* stage, which would be too far-fetched. The learned APP would also clarify that the applicant does not have any criminal antecedents.

7. In the aforesaid facts and circumstances, in my view, a *prima facie* case for grant of Anticipatory Bail Application is made out. Though investigation is the right of prosecution, custodial interrogation of the applicant is not warranted in such factual complexion. Hence, the following order would meet the ends of justice:-

ORDER

- (i) In the event of arrest of the applicant in connection with C.R. No.0089 of 2025 registered with Shivaji Nagar Police Station, Latur for the offences punishable under Sections 318(4), 336(3), 338 and 340(2) of the BNS, the applicant is directed to be released on bail on his furnishing PR bond in the sum of

Rs. 20,000 (Rupees Twenty Thousand Only) with one or more sureties in the like amount.

- (ii) The applicant shall cooperate with the investigation and shall attend the concerned police station on every Monday at 11.30 a.m.
 - (iii) The applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.
 - (iv) The applicant shall not leave the jurisdiction of the Court without prior permission/order of the Court, until further orders.
 - (v) The applicant shall not influence the witness/es and/or tamper evidence in any manner whatsoever.
8. The Anticipatory Bail Application is allowed in the above terms.

[ADVAIT M. SETHNA, J.]