



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1587 OF 2024**

Shaikh Mahemud Khajamiya
Versus
The State of Maharashtra & Anr.

Mr. S. S. Gangakhedkar h/f Mr. S. R. Mantri for the Applicant.
Mr. A. M. Phule, APP for the State.

CORAM : ADVAIT M. SETHNA, J.
DATE : 12 JUNE 2025

P. C.:

1. The Applicant in the present proceedings, apprehends arrest for which he has filed this Anticipatory Bail Application. This Application arises in CR/FIR No. 311 of 2024. The said FIR was lodged on 11 July 2024 at 23.08 hours. The date of the alleged incident is 4 March 2024. The relevant sections under which the alleged offences have been committed are Sections 420, 465, 467, 468, 471 of the Indian Penal Code (for short 'IPC'). The FIR is lodged by Vazirabad Police Station, District Nanded. The informant Madhav Vikram More is serving as Supply Inspector in Tahasil Office, Nanded. On 11 July 2024 at about 5.00 pm one person, namely, Madhukar Purbhaji Pandit visited the informant and handed over one online ration card in his wife's name being Minakshi Madhukar Pandit, as stated on the ration card. When the informant verified the said ration card number '272001053028' on Mera Ration Website he found that the ration card with the above number was in the name of one Minakshi Somesh Sarode. When the informant cross checked the online ration card with the ration record in the office he did not find digital signature on the online ration card and it was observed that the ration card was fake. This is in as much as there was a fake

stamp and signature of the Tahasildar, Nanded on such ration card. When the informant after verification, found that such online ration card was a fake/bogus document he make inquiry with the said person Madhukar Pandit. On inquiries with the said Madhukar Pandit, it was revealed that the Applicant having mobile number '9588657900' had taken Rs.3,000/- (Rs.2,200/- via PhonePe and Rs.800/- cash) from the said Madhukar Pandit and handed over the said online ration card to Pandit on 4 March 2024 at Govindnagar, Nanded. In such backdrop the informant approached the Vazirabad Police Station on 11 July 2024 at 11.08 pm and reported the incident whereupon the offence/FIR came to be registered.

Applicant's Case:-

2. Mr. Gangakhedkar, learned counsel for the applicant at the outset submit that the applicant is innocent. He is falsely implicated in the present proceedings. He would urge referring to the applicant's additional affidavit dated 19 October 2024 that the applicant's father had visited Vizan Multispeciality Hospital, Nanded, where the doctor suggested some blood tests. It was where that the said Madhukar Pandit worked as a blood technician. The applicant in this regard had certain monetary transactions with the said Madhukar Pandit. Relying on the bank statement annexed to the said affidavit, he would state that on 16 February 2022 there was a transaction of withdrawal of Rs.550/- from the applicant's bank account for the purpose of making payment to the said Madhukar Pandit. Thereafter, in the month of May, 2022, the father of the applicant was admitted in the hospital and during that period also there were monetary transactions between the applicant and the informant i.e. Madhukar Pandit in the nature of cash payment. Mr. Gangakhedkar would urge that as far as the amount of Rs.2200/- paid to the applicant for ration card is concerned, the informant had received

the amount which was required to be returned to the applicant by the informant as such amount was paid during the hospitalization of the applicant's father. The informant is attempting to falsely implicate the applicant by stating that such amount of Rs.2200/- was paid to the applicant by the informant for preparation of ration card. He would refer to the account statement of the applicant annexed to the additional affidavit of the applicant to state that it was on 30 January 2024 that the amount of Rs.2200/- has been duly paid to the applicant by the informant in light of the transactions between them. The balance amount of Rs.800/- was paid by cash. In this context, the applicant would urge that if he had received Rs.2200/- in the month of January, 2024, then the allegation of the informant i.e. Madhukar Pandit, who stated to have paid the consideration for obtaining the ration card to the applicant on 4 March 2024 i.e. after three months, is patently false and is an attempt to frame the applicant. He would urge that the applicant is serving in Niva Bupa Health Insurance Company as the Relationship Manager from 12 February 2024. In view thereof, he had no occasion to visit the Tehsildar Office, Nanded from March 2024 as he has put his attendance over by biometric at this Bombay office to emphasis that he was very much in Mumbai and not in Nanded in the month of March, 2024. He would rely on the attendance sheet of the Niva Bupa Health Insurance Company, where he worked for the month of March 2024 in this regard.

3. Mr. Gangakhedkar, learned counsel for the applicant would urge that the applicant had no role to play in the alleged fraud/forgery of the ration card. This is inasmuch as the ration card no.272001053028 could never have been repeated when the ration card with the same number was issued admittedly in the name of Minakshi Pandit in August, 2022. Such being the case of the prosecution, Minakshi Pandit,

wife of Madhukar Pandit would have received a noting while submitting application for fresh ration card which, if she received and applied for verification, then she is responsible and not the applicant.

Submissions of the Learned APP:-

4. Mr. Phule, learned APP would on the other hand urge that the role of the present applicant in making bogus digital ration card with fake stamp and signature of Tehsildar, Nanded is clearly made out as noted in the FIR. Such acts amount to offences which are serious and need to be taken cognizance of. He would urge that the monetary transaction between the applicant and the informant, more particularly that of Rs.550/-, which has been withdrawn from the account of the applicant needs to be thoroughly investigated considering the explanation given by the informant. From the details of the CDR, it would reveal that both the informant and the applicant were in touch over the phone on the date of the incident i.e. 4 March 2024. Mr. Phule would urge that pursuant to the *ad-interim* orders passed by this Court dated 25 October 2024 and 13 March 2025, the applicant was directed to cooperate with the investigation. He has appeared on 26 March 2025, however, he has not submitted the mobile phone, from which the alleged QR code was used in the creation of the false/bogus ration card. Thus, the applicant has failed to cooperate with the investigation.

5. For all such reasons as noted above, the custodial interrogation of the applicant is necessary as the alleged offence not only concerns the informant, but also public at large.

Findings:-

6. I have heard the learned Advocate for the Applicant and learned APP for the State at length. With their assistance I have perused the record.

7. It is a fact that there have been monetary transactions between the Applicant and the informant Madhukar Pandit since 2022. There is no explanation forthcoming in regard to the delay of about 4 months in registering the complaint which came to light in March 2024 and lodging of FIR in July 2017. The supplementary statement of the informant Madhukar Pandit is recorded on 5 December 2024 which is also perused and noted.

8. The fact that there were some disputes, as also, enmity between the Applicant and the informant cannot ruled out at this stage. It is only the informant Madhukar Pandit who appears to be the sole victim of the alleged fraud by the Applicant in the making fabricated ration cards. The FIR does not reveal any further details and or complaints of any other persons who have been slated to could be victims of such fraud, allegedly perpetrated by the Applicant.

9. Whether the monetary transactions between the Applicant and informant between period 2022 and January, 2024, when the FIR was lodged in July 2024, are relatable to the allegation of false and fabricated ration card made by the applicant or otherwise, would not in my *prima facie* view need require custodial interrogation. The Applicant has appeared before the Vazirabad Police Station, Nanded on 30 November 2024 and 26 March 2025, after the ad-interim orders of this Court dated 25 October 2024 and 13 March 2025. In this context, it is apposite to refer to the recent Supreme Court's decision dated 6 March 2024 in case of ***Hemant Kumar Vs. State of Haryana***¹, where the Supreme Court has observed that the nature of such cooperation is important and participation in the investigation does not entail making self- incriminating statements.

10. The Court cannot overlook the vital aspect of safeguarding

1 SLP (Crl.) No.232 of 2024

personal liberty as guaranteed under Article 21 of the Constitution. At the same time the wheels of investigation ought not to be halted in any manner, for which in every case custodial interrogation may not be necessary.

11. In the given facts and circumstances the applicant has made out a *prima facie* case for the grant of anticipatory bail. In my view, the following order would serve the ends of justice.

O R D E R

- i. In the event of arrest of the applicant in connection with CR/FIR No. 311 of 2024 registered with Vazirabad Police Station, District Nanded under Sections 420, 465, 467, 468, 471 of the Indian Penal Code, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- ii. The applicant shall co-operate with the investigation and attend the Vazirabad Police Station, District Nanded on Monday of every week at 11.00 a.m. till the conclusion of the investigation.
- iii. The applicant shall not tamper with prosecution witness/es in any manner whatsoever.
- iv. The applicant shall furnish all documents material as required by the prosecution without fail, including the mobile phone from which QR Code was used in respect of the said alleged transaction.
- v. The applicant shall furnish details and complete address of the accomplice one Shahbaz Khan to the investigating officer.

- vi. 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 will be immediately informed to the concerned police station.
- vii. The applicant shall not leave the jurisdiction of the Court without prior permission of the Court.

11. The ABA is allowed in the above terms.

[ADVAIT M. SETHNA, J.]