



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1765 OF 2025

1. PRASHANT EKNATH BHIVSANKAR
2. HARSHAL SUNIL BADAR

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Gore Ravindra Vitthal

APP for Respondents/State : Mr. Aftab Ahmed Khan

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CORAM : MEHROZ K. PATHAN, J.

DATE : 4th DECEMBER 2025

PER COURT :

. Heard the learned Counsel for the Applicants and the learned APP for the State.

1. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.387/2025 registered with Mantha Police Station, Tq. Mantha, Dist. Jalna for the offences punishable under Sections 318(4), 319(2), 336(3), 337, 340(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that the vigilance squad was formed for action against brokers who have prepared bogus documents. The Assistant Labour Commissioner was appointed as a Vigilance squad Chairman and as per the order of the Assistant Labour Commissioner, an inquiry was conducted on 04.07.2025 in

the Government Labour Officer, Jalna. Upon scrutinizing the complaint received by Labour Officer, it was found that during the year 2023-24 at village Akani, Tq. Mantha, Dist. Jalna, bogus online registration of 300 peoples were done by some agents and brokers who have given the benefits of government scheme to people who were not eligible. The corrections were carried out in the details of the labourers in their Aadhaar Cards, and fake beneficiaries were given the benefits. Further scrutiny showed that although the labourers were not residents of Akani, their death certificates were produced. These death certificates were not issued by the Grampanchayat office but were found to bear its seal and signature, and had been fraudulently prepared by some persons. It was found that forged documents had been created, and in some cases impersonation was used to obtain benefits under various government schemes. It was found that the certificate for 90 days work were also not issued by the Gramsevak.

3. The learned Counsel for the Applicants Mr. Gore submits that the Applicants have not prepared the fabricated and false documents and did not obtain any benefits under the government scheme. The Applicants have been roped in falsely only on the ground of suspicion. There is no whisper about account report in connection with Grampanchayat Akani. No notice is issued to the Applicants and the benefits of the government scheme are given without any verification and hence the Applicants cannot be held responsible for the same. It is further submitted by Mr. Gore that the

Applicants have no criminal antecedents and there is no possibility of abscondance of Applicants.

. It is thus submitted that the Applicants are ready to abide by any conditions that may be imposed and hence the Applicants may be released on anticipatory bail.

4. As against this, the learned APP Mr. Khan submits that the Applicants are involved in the present crime. It is submitted that Shivaji, Kamal, and Tejas were shown as residents of Akani who had died, as per the certificates produced. However, upon inquiry, it was found that they are alive and had obtained benefits under the government scheme. It is further submitted by the learned APP that the Applicants/Prashant and Harshal, are among the four other accused involved in the present crime. During the course of investigation, the witnesses Shivaji and Somnath have taken the names of present Applicants to have played an important role in the commission of crime. Witness Shivaji has stated in detail about the role of Applicant/Prashant and witness Somnath has stated about the role of Applicant/Harshal. The custodial interrogation of the applicants is therefore necessary for the recovery of fake stamps, fake seals, forged papers, bonds, and fake death certificates allegedly prepared by them. The Applicants have cheated the Government by preparing fake certificates on commission and obtaining funds under various schemes floated by the Government. He therefore submits that application may be rejected.

5. I have gone through the FIR and the investigation papers made available by the learned APP for perusal of this Court. A perusal of the police report shows that the accused Prashant was friends with witness Shivaji. Witness Shivaji states that the applicant Prashant obtained his bank passbook and his wife's name and thereafter prepared fake papers. The police report further shows that co-accused Tejas informed that the applicant Prashant had taken his passbook and prepared a fake death certificate of his father, registering his name to obtain benefits. It is further seen that the applicant Harshal had also shown his grandfather Deverao as deceased, though he is alive, and obtained an amount of Rs.2,34,000 as benefits under a government scheme meant for the welfare of labourers. The statement of Somnath shows that the applicant Harshal was given the passbook by the said witness; however, bogus 90 day certificates and fake seals and signatures were prepared by the applicant Harshal. Thus there are various further statements recorded by the police during the course of investigation which implicates the role of present Applicants and would require custodial interrogation of the Applicants.

. The Hon'ble Supreme Court in the case of **Y.S. Jagan Mohan Reddy Vs. Central Bureau of Investigation, (2013) 7 SCC 439**, was pleased to hold that the economic offences constitute a class apart and shall be treated differently in matters of bail.

6. Taking into consideration the nature of the crime and the Applicants having played an important role in its commission by

preparing the fake documents, there is ample evidence on record to show their involvement in manufacturing fake death certificates, preparing fake labour certificates showing 90 days of work, and withdrawing amounts from the Government Labour Welfare Schemes in the name of labourers who were not entitled to such benefits. I am therefore not inclined to exercise discretion in favour of the applicants. The application accordingly stands rejected and disposed of.

MEHROZ K. PATHAN
JUDGE

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