



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2159 OF 2024

Jamaluddin Sirajuddin Farooqui,
Age : 38 years, Occu. : Private Service,
R/o. Chishtiya Colony, N-6,
Aurangabad, Dist. Aurangabad

... Applicant

Versus

The State of Maharashtra

... Respondent.

.....
Mr. Satej S. Jadhav, Advocate for Applicant.
Mr. V. M. Jaware, APP for Respondent - State.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 JANUARY 2025

PRONOUNCED ON : 07 JANUARY 2025

ORDER :

1. Instant application is for grant of regular bail by invoking section 439 of Cr.P.C. in consequence to registration of crime bearing no.251 of 2024 registered at City Chowk Police Station, Aurangabad for offence punishable under sections 420, 467, 468, 471, 417 r/w section 34 of Indian Penal Code and under sections 82 and 83 of the Registration Act, 1908.

2. Pleading false implication learned counsel would point out that present applicant appointed as a mere operator on Aadhar Kendra, where public approached for issuance of Aadhar card. He pointed out that there is distinct and separate authority appointed to

verify credibility of the information and only on satisfaction, such authority approves and issues Aadhar card. Learned counsel pointed out that, above crime was registered at the instance of official of Sub-Registrar-II, Chhatrapati Sambhajinagar, alleging that, one sale transaction of landed property was carried out by tendering Aadhar card and details on impersonation. It is further pointed out that, applicant was appointed and was working on behalf of one Mr. Mushtak, who had taken the center for issuance of Aadhar card. Learned counsel further pointed out that only job assigned to present applicant was uploading details. Learned counsel also took this court through the agreement entered between Jamaluddin Farooqui and Synovy Techcity Services India Pvt. Ltd. That, now entire investigation is also over. That, charge-sheet is also filed. That, nothing is to be recovered and discovered from applicant. He is behind bars since September 2024. According to him, there are no immediate prospectus of matter being taken up for trial and hence for all above reasons, he urges this court to grant regular bail.

3. Opposing the above application, learned APP pointed out that, fraud has been committing through impersonation. That, land which was already sold was sought to be resold by forging documents. That, there is serious offence of impersonation. Learned counsel took this court through the copy of Aadhar card, which was fabricated. Thus, according to learned APP, considering the nature of offence, its

seriousness and quantum of sentence for such offences, learned APP prays to reject the application.

4. Heard both sides. Perused the charge-sheet and carefully examined the FIR bearing No.251 of 2024 registered at City Chowk Police Station. Apparently, said FIR is at the instance of official working in the office of Sub-Registrar-II, Chhatrapati Sambhajanagar, who on receipt of written complaint from one Ejaj Ahmed Rashid and Sagar Rajput, conducted enquiry with regard to documents tendered pertaining to sell of land situated at Chikalthana. There are allegations that land was in the name of one Sourabh Sanklecha and it was found that he had already sold land vide registered sale deed bearing no.3246 of 2024. Such land owner and two witnesses were enquired with and informant claims that it was revealed that one plot in Gut No.368 vide sale deed no.3246 of 2024 was already sold on 23.03.2024. This was found to be fraud upon impersonation and also in violation to sections 82 and 83 of Registration Act and hence on above report, City Chowk Police Station registered above crime.

5. Now, submissions are made that applicant was merely appointed as an operator and that his work was only of uploading information. It seems from the charge-sheet that apart from applicant, Ajay Narwade and Mohammad Sameer are also charge-sheeted. As regards to present applicant is concerned, prosecution

does not refute him to be appointed as operator, which is the submission made by learned counsel for applicant. Now, investigation is said to be over and after filing of charge-sheet, learned APP himself stated that matter is yet to be committed. Apparently, offence is of impersonation and alleging fabrication and forgery of document like Aadhar Card. Investigation was entirely on documentary evidence. There is no convincing reason put-forth by prosecution as to what more is yet to be recovered and discovered and for what purpose further custody is necessary. As submitted even as there are no immediate prospectus of matter going for trial, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Jamaluddin Sirajuddin Farooqui be released on bail in connection with Crime No.0251 of 2024 registered with City Chowk Police Station, Aurangabad on executing P.B. of Rs.15,000/- with one surety in the line amount.
- (iii) Applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iv) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE, J.)