



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 779 OF 2025

Balaji Motiram Hivrale

VERSUS

The State Of Maharashtra And Another

- Mr. D. M. Shinde, Advocate for the Applicant
- Mr. C. V. Bhadane, APP for the Respondents/State

CORAM : ADVAIT M. SETHNA, J

DATE : 30 JUNE 2025

P.C.:

1. The Applicant in this Anticipatory Bail Application apprehend arrest. These proceedings arise from the C.R. No. 68/2023 lodged at 14.24 hours on 02 February 2023 with Hingoli City Police Station, Dist. Hingoli. The sections invoked are 420, 465, 468, 471, 472 of Indian Penal Code, 1860 ("IPC"). The occurrence of the alleged incident is noted between 01 January 2023 to 13 January 2023 and the information/report was received on 02 January 2023 at 14.12 hours pursuant to which the FIR has been filed.

2. Informant is one Dr. Rajendra Uttamrao Surayawanshi, age 57 years who works as District Surgeon in District Hospital, Hingoli.

A. Case In FIR:-

3. As noted in the FIR, one Govind Jadhav sent medical certificate on whatsapp number of Ganesh Salunke serving in Civil Hospital, Hingoli and told him to give similar medical certificate to his friend Shridhar. When Ganesh Salunke showed the medical certificate to the informant i.e., Dr. Rajendra Suryawanshi, it is found that the medical certificate, as allegedly provided by the Applicant, is forged, as such type of medical certificate could have been issued only by the medical board at Nanded and there is no medical board in Civil Hospital, Hingoli. Dr. Bhagwan Pundge and Dr. Mangesh Tehere also denied their signatures on the medical certificate. Accordingly. Dr. Suryawanshi in such facts and certificates lodged the FIR against the accused who is branch manager in PDC Bank, Branch Purna Sugar Factory.

B. Submissions:-

4. Prosecution's case as submitted by Mr. Bhadane primarily is that the Applicant has been involved in the preparation of the fabricated medical certificate. This was prepared with the knowledge and intention to

get benefit of voluntary retirement from service ("VRS") from his employment with the Parbhani District Cooperative bank ("Parbhani Bank" for short).

5. Mr. Shinde, learned Advocate for the Applicant, would urge that such document even if fabricated was never acted upon much less prepared by the Applicant. He would submit that subsequently the Applicant has appeared before the Parbhani Medical Board and his medical examination has been conducted. He was found unfit and on that basis he was granted the VRS from his employment with the said bank. He would rely on a medical certificate issued by the Medical Board, Parbhani dated 13 September 2023 on the basis of which the Applicant is granted VRS from service from the Parbhani Bank. Such facts are not denied by the prosecution. However, Mr. Bhadane, learned APP, would submit that the Applicant has *prima facie* involved in preparation of the forged document and in such facts and circumstances, his custodial interrogation is required. Accordingly, the ABA ought to be rejected.

C. Findings:-

6. Heard the learned Advocates for the parties

and perused the record with their assistance. It is to be noted that though there is an allegation of preparation of a forged medical certificate against the Applicant. However, the fact remains that it was not acted upon. The purpose and reason for which such certificate was allegedly forged was not used. It was the medical certificate of the Parbhani Medical Board dated 13 September 2023, which was pressed into service after independently examining the Applicant and on such basis the Applicant claimed the benefit of the VRS from the Parbhani Bank. *Prima facie* for such reason, the ingredients of the offences alleged in the FIR are not coming forth *qua* the Applicant. In such facts and circumstances, a *prima facie* case is made out by the Applicant. In the given factual complexion, I do not see any reason for a custodial interrogation, though, undisputedly, investigation is a right of the prosecution.

7. Having observed the above, in my view, the Anticipatory Bail Application deserves to be allowed in light of following order which would meet the ends of justice.

O R D E R

- (i) In the event of arrest of the applicant in connection with C.R. No. 68/2023 registered with Hingoli City Police Station, Dist. Hingoli for the offences punishable under Sections 420, 465, 468, 471, 472 of IPC the applicant is directed to be released on bail on their 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 Saturday at 11.30 a.m., until filing of the charge-sheet.
- (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 above terms.

9. Needless to mention that above observations

are *prima facie* for adjudicating this Anticipatory Bail Application.

(ADVAIT M. SETHNA, J.)