

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4049 OF 2025

Mandabai Balasaheb Gite

Age : 43 Years, Occupation : Farmer/Housewife,

Residing at : Agastkhanda, Taluka : Pathardi,

District : Ahilyanagar.

...Petitioner

Versus

1. **The Senior Police Inspector**
(Nigdi Police Station)

2. **The State of Maharashtra**

...Respondent

Mr.Mateen Shaikh a/w Mr.Suresh Jadhav:-	Advocates for Petitioner.
Ms.S.D.Shinde:-	APP for Respondents-State.

CORAM : S. M. MODAK, J.

DATE : 29th JULY 2025

P. C. :-

1. Heard learned Advocate for the Petitioner and learned APP.
2. The present Petitioner is granted bail by the Court of Additional Sessions Judge–Pune on 8th July 2025. The bail is for amount of Rs.75,000/- (Rupees Seventy Five Thousand). To comply with the order, the Petitioner has furnished solvency certificate. It is on Page No.30. The trial Court found it to be suspicious and rejected it on 17th

July 2025. The contention is if the Court of Judicial Magistrate First Class – Pimpri Chinchwad has got any suspicion, he ought to have sent it for verification to the Issuing Authority. Even learned APP pointed out that there was certain lacunae in the certificate which is on Page No.30. One of them is it does not bear whole of digital signature.

3. **The submission of learned Advocate for the Petitioner is correct.** Even though the learned Judge is having suspicion, **he could have cleared it by sending it for verification**. The Issuing Authority could have verified it and could have sent a report. He may confirm the authenticity of the certificate or he may say otherwise. But **it will not be proper to reject it without calling a verification report**. Hence, order:-

ORDER

- (i) The Petition is allowed.
- (ii) The order dated 17th July 2025 passed by the Judicial Magistrate First Class – Pimpri Chinchwad **is set aside**.
- (iii) The Court of Judicial Magistrate First Class–Pimpri Chinchwad **is directed to pass necessary orders for sending solvency certificate to the Issuing Authority**.
- (iv) After receipt of the report, the trial Court Judge is at liberty to take an appropriate decision in respect of accepting or not accepting the surety.

- (v) It is made clear that the Petitioner is ‘*undertrial prisoner*’ and hence, the Court is bound to issue necessary directions for getting the report in time bound manner. Even the Court can call a report by sending it through official channel.
4. In view of the above terms, **the Petition stands disposed of.**

[S. M. MODAK, J.]