

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2086 OF 2025

Gauri Nilkanth Kelkar ... Applicant
V/s.
The State of Maharashtra ... Respondent

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Mr. Sanjeev Kadam, Senior Advocate with Ms. Varsha
Thorat i/by Mr. Manoj Gaikwad for the applicant.

Mrs. Rajashree V. Newton, APP for the respondent-
State.

CORAM : AMIT BORKAR, J.

RESERVED ON : OCTOBER 6, 2025

PRONOUNCED ON : OCTOBER 14, 2025

P.C.:

1. This bail application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The applicant seeks regular bail in connection with Crime Register No. 670 of 2024 registered with Panvel City Police Station for offences punishable under Sections 336, 337, 338, 339, 341, 238, 3(5), 45, 217(Kha), 222, 178, 179, 181, 182, and 183 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The prosecution case is that the informant, who works as Superintendent in the Court of Civil Judge, Senior Division, Panvel, lodged a complaint stating that on 23 October 2024, Advocate Mahesh Deshmukh had come to the Civil Court and enquired about an application for certified copy bearing No. 6586

of 2023, filed on 7 November 2023 with Assistant Superintendent Mr. Pravin D. Bandiwadekar. When Mr. Bandiwadekar approached the informant for verification, it was found from the Court record that Civil Miscellaneous Application No. 113 of 2022 was still pending and no order had been passed in that matter. It was also discovered that the signature of Mr. Bandiwadekar on the said document was forged.

3. Further inquiry revealed that the order in Application No. 6586 of 2023 purportedly bore the signature of Judge Smt. Poonam Shivaji Bidkar. However, on verification with Her Honour, it was found that her signature too was forged. The entry of Civil M.A. No. 113 of 2022 was also deleted from the Case Information System (CIS). The investigation revealed that between November 2023 and 23 October 2024, a forged copy of Civil Application No. 6586 of 2023 and Civil M.A. No. 113 of 2022 was prepared, and the original entry of the said M.A. was deleted from the CIS. On these facts, the FIR was registered.

4. Learned Senior Advocate Mr. Kadam, appearing for the applicant, submitted that the only role attributed to the applicant is based on the disclosure statement of co-accused Yogesh Kelkar, who happens to be the brother of the applicant. According to the prosecution, the applicant allegedly put the signature of Judge Mrs. Poonam Shivaji Bidkar on the final order of heirship and on the docket of the certified copy. It is submitted that the original forged document has been destroyed or is untraceable, and therefore, there is no document in the charge-sheet to prove the alleged forgery. In absence of the original forged document, it will

not be possible for the prosecution to prove forgery beyond doubt.

5. It is further argued that there is no independent witness or direct evidence to establish that the applicant forged any signature or that she authored the forged document. The entire case rests on the statement of co-accused and the alleged confessional statement of the applicant, both of which have no evidentiary value in law. The applicant is neither the beneficiary of any financial gain nor connected in any way with accused No. 5, the property agent, or accused No. 2, the advocate. Hence, there is no motive or material linking her to the offence.

6. The learned Senior Advocate further submitted that the applicant is a divorced woman and has a daughter studying in the 10th standard. The daughter suffers from psychological issues, and there is no one else to take care of her. The applicant is the sole earning member of the family. It was submitted that the sample handwriting and signatures of the applicant have been sent to the handwriting expert, and the report is awaited. In absence of the original heirship certificate, the expert's opinion would be inconclusive. The prosecution has cited 46 witnesses and the charge-sheet runs into about 1,600 pages. Considering the volume of evidence, the trial will take considerable time to conclude. The investigation is already complete and the charge-sheet has been filed. Hence, continued custody of the applicant is not required. The applicant is a permanent resident of Panvel, has no serious antecedents except the present case, and will be available for trial. Therefore, it is prayed that the applicant be released on regular bail.

7. On the other hand, learned APP Mrs. Newton opposed the bail application. She submitted that the applicant forged the signature of Judge Mrs. Poonam Shivaji Bidkar at five places on the forged order and on the final heirship certificate in Civil Miscellaneous Application No. 113 of 2022. The docket of the certified copy was written in the applicant's own handwriting.

8. The learned APP pointed out that the call detail records show that the applicant was in regular contact with Advocate Amar Patwardhan (accused No. 2) and Advocate Yogesh Kelkar (accused No. 3) during the relevant period of the crime. After the arrest of other accused persons, the applicant absconded and concealed her identity. She was ultimately arrested from Ratnagiri on 21 January 2025. The handwriting samples of the applicant were sent to the handwriting expert at the State CID, Pune, on 3 March 2025, and the report is awaited. Considering the gravity of the offence and the conduct of the applicant in absconding, the learned APP prayed for rejection of the bail application.

9. I have carefully considered the submissions advanced by the learned Senior Advocate for the applicant and the learned APP for the State. I have also perused the charge-sheet, statements of witnesses, seizure panchnamas, and other documents produced on record.

10. The applicant seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The settled principles of law governing grant of bail are well-established. The Court is required to examine the nature and seriousness of the accusation,

the role attributed to the accused, the strength of the evidence collected, the possibility of tampering with evidence or influencing witnesses, and the likelihood of the accused fleeing from justice.

11. The present case concerns allegations of forgery of judicial documents and tampering with the official Case Information System (CIS) maintained by the Civil Court at Panvel. The CIS is an official digital platform used for recording, maintaining, and updating all judicial proceedings of the Court. Every entry in the CIS carries legal authenticity and represents the official act of the Court. Any alteration or manipulation in such records, therefore, strikes at the very root of judicial integrity.

12. If the allegations in this case are ultimately proved, they would amount to deliberate interference with the administration of justice. The Court records, whether physical or electronic, are public documents. These records enjoy a presumption of genuineness under law and form the foundation for judicial orders, litigant rights, and enforcement proceedings. Therefore, any act that alters, deletes, or fabricates such official data not only constitutes an offence of forgery under the Bharatiya Nyaya Sanhita, 2023 but also amounts to an attempt to obstruct the course of justice.

13. The investigation material placed on record indicates that the entries in the CIS relating to Civil Miscellaneous Application No. 113 of 2022 were deliberately modified and later deleted. The prosecution has produced digital logs, IP addresses, and user credentials that show unauthorized access to the CIS during the

relevant period. The logs record the date, time, and user ID through which the data was accessed and altered. Such digital evidence, by its very nature, is created contemporaneously and is difficult to manipulate without leaving an electronic trace. Hence, this material forms credible evidence supporting the prosecution's claim that tampering was not accidental but intentional.

14. Forgery of a judicial document, particularly one purporting to bear the signature of a sitting Judge, assumes a gravity of its own. It not only involves fabrication of a public document but also a deliberate attempt to mislead litigants and the judicial institution. When a false judicial order or heirship certificate is prepared and presented as genuine, it creates a risk of wrongful benefit to undeserving persons and loss of rights to genuine litigants. Such acts disturb the entire system of justice, which is founded on authenticity and trust in official records.

15. In this case, the forged document was presented as a genuine order of the Court, and the forged signature of the Judge was used to give it an appearance of legality. The deletion of the corresponding entry from the CIS was intended to conceal the forgery. These two actions, creation of a false judicial document and deletion of its trace from the official system, form a chain of deliberate conduct. The forensic and digital evidence collected during investigation supports this inference.

16. Courts are repositories of public confidence. Every document issued by a Court is presumed to be genuine and true. If individuals entrusted with maintaining judicial records misuse

their access to forge documents or alter data, they attack the very foundation of the justice delivery system. Such conduct cannot be seen as a mere administrative lapse; it amounts to a conscious attempt to defeat the authority of law.

17. Thus, the material presently available on record, such as digital access logs, verification reports, and witness statements, prima facie indicates that the tampering with the CIS and forgery of judicial documents were deliberate acts supported by coordination between the accused. These acts, if established at trial, would constitute serious interference with the due course of justice and an offence against public administration of law. The judicial record is not a personal property of any official; it is a solemn document representing the voice of law. Any manipulation of it must therefore be viewed with utmost seriousness.

18. The prosecution has alleged that the applicant, in collusion with other co-accused, forged the signature of Judge Mrs. Poonam Shivaji Bidkar on the final order of heirship certificate in Civil Miscellaneous Application No.113 of 2022 and on the docket of the certified copy. The prosecution has further alleged that the applicant personally wrote the docket of the certified copy in her own handwriting and participated in the creation of the forged document.

19. The material on record shows that the forged order and forged heirship certificate were traced during inquiry made by the Superintendent of the Civil Court, Panvel. Verification from Judge Mrs. Bidkar confirmed that the signatures on those documents

were not hers. The entries relating to the said case were also deleted from the official CIS, and the forged heirship certificate was used to obtain wrongful advantage.

20. The learned Senior Advocate for the applicant has urged that the prosecution has not recovered the original forged document, and in its absence, it is not possible to prove forgery. This argument cannot be accepted at this stage. The charge-sheet contains photocopies and scanned images of the forged document, and the prosecution has placed on record statements of several witnesses who handled those documents before they were disposed of. The absence of the original may be relevant for proof during trial, but it does not, by itself, erase the existence of prima facie material showing the applicant's involvement.

21. The contention that the applicant's alleged role is based only on the statement of co-accused is also not fully correct. The prosecution has placed reliance not only on the statement of co-accused but also on circumstantial evidence such as the handwriting on the docket, the statement of the Superintendent who discovered the forgery, and the call data record showing the applicant's frequent contact with other accused persons during the relevant period. These circumstances, taken together, create a prima facie link between the applicant and the offence.

22. The applicant was employed in a position of trust in the court establishment. The allegations, if proved, would show that she misused her official position to fabricate judicial documents and interfere with court records. The alleged act of forging the

signature of a sitting Judge on a judicial order is of the most serious kind. It strikes at the very heart of judicial credibility. Such offences are not private wrongs but are offences against the administration of justice itself.

23. The investigation further reveals that after the arrest of the main accused, the applicant absconded and was arrested from Ratnagiri after a period of concealment. This conduct indicates consciousness of guilt and a deliberate attempt to evade law. The apprehension of the prosecution that if released, the applicant may influence witnesses or tamper with evidence cannot be lightly brushed aside, particularly when most witnesses are part of the same court establishment where the applicant was employed.

24. The plea of the applicant regarding her personal circumstances and responsibility towards her daughter has been noted. However, such personal grounds cannot outweigh the gravity of the allegations or the potential risk to the judicial process if the accused is released prematurely. The principle that bail is the rule and jail is the exception does not apply mechanically. Each case must be tested on its own facts, particularly when the offence is against the integrity of the judicial institution.

25. The argument that the investigation is complete and charge-sheet is filed, hence further custody is not necessary, is also not acceptable in the present facts. Though investigation is complete, the trial is yet to commence. The applicant was working in the same court system where several witnesses are employed.

Releasing her at this stage may expose the witnesses to pressure or intimidation.

26. The call data record produced during investigation shows continuous communication between the applicant and co-accused Advocate Amar Patwardhan and Advocate Yogesh Kelkar during the relevant period of preparation of forged documents. This fact, coupled with her role in writing the docket and forging signatures, provides a strong prima facie case of conspiracy and active participation.

27. The handwriting samples of the applicant have already been sent to the handwriting expert at the State CID, Pune, and the report is awaited.

28. Considering the nature and gravity of the offence, the seriousness of the allegation involving forgery of judicial records, the prima facie material collected by the prosecution, and the conduct of the applicant in absconding after the registration of FIR, this Court is of the considered view that no case for grant of regular bail is made out at this stage.

29. The offence alleged affects not only the administration of the particular court but also public confidence in the purity of judicial proceedings. In such circumstances, larger public interest must prevail over personal inconvenience.

30. The Bail Application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 stands rejected.

31. The observations made herein are only for the purpose of deciding the present bail application and shall not influence the merits of the trial.

32. The bail application is disposed of.

(AMIT BORKAR, J.)