AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2150 OF 2025

Deepak Mohan Fad … Applicant
V/s.
The State of Maharashtra … Respondent

Mr. Sanjeev Kadam, Senior Advocate with Mr. Shailesh Kharat, Ms. Varsha Thorat i/by Mr. Yogesh Birajdar 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 is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The applicant seeks regular bail in connection with Crime Register No. 758 of 2024 registered with Panvel City Police Station. The offences alleged are under Sections 318(4), 336, 337, 338, 339, 341, 178, 179, 181, 184, and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. As per the prosecution, the informant, who works as Assistant Superintendent in the Court of Civil Judge Senior Division, Panvel, lodged a complaint stating that on 21 December 2024, Mrs. Archana Hande found nine bogus challans. She informed the Second Civil Judge Senior Division, Mr. Krishna

Sonvane. On his direction, the complainant verified the said challans. Upon verification, it was found that they were not shown in the court system. It was also noticed that the bogus challan IDs reflected user ID No. 315, which belonged to the present applicant. Based on these findings, Crime Register No. 758 of 2024 was registered for the above offences.

3. It is relevant to note that the informant himself has now been arrested by the police in connection with Crime Register No. 17 of 2025 for offences under several provisions of the BNS, including Sections 316(5), 318(4), 335, 336(1)(2), 337, 338, 339, 341, 178, 179, 183, 45(c), 59, 60, 238, 239, and 3(5) to 3(8).

4. Learned Senior Advocate Mr. Kadam, appearing for the applicant, submitted that the applicant was working as a Junior Clerk in the Court of Civil Judge Senior Division, Panvel. According to the prosecution, the applicant received money from certain advocates to pay court fees through challans but failed to deposit the amount and instead created forged challans. The prosecution alleges that the applicant forged court fee challans and defaced them in the court records, causing loss to the exchequer to the tune of Rs. 67,91,249.

5. Learned counsel submitted that the applicant was arrested on 3 January 2025 and has been in custody since then. The amount of Rs. 66 lakh has already been recovered. There is no direct evidence against the applicant except suspicion. He argued that every year, the accounts of the Civil Court are audited by higher authorities. If any loss had occurred, it would have been reflected in the audit report. There is no such report showing any loss.

6. It was further submitted that the user ID DSC315 and its password were not officially allotted to the applicant. No witness has seen him forging challans. As almost the entire amount has been recovered, there is no purpose in continuing his detention. The applicant has permanent residence in Maharashtra and there is no likelihood of absconding. Hence, it was prayed that he be released on bail.

7. On the other hand, learned APP Mrs. Newton opposed the application. She submitted that since 2019, the applicant has been serving as Junior Clerk in the Panvel Court and has misused his position by preparing and forging challans in about 76 heirship certificate cases. By replacing defaced challans, he misappropriated amounts through computer manipulation, thereby cheating the Government, advocates, and litigants. The investigation revealed that forged challans were prepared in 128 court cases and the total misappropriated amount is Rs. 68,84,099.

8. She explained the procedure followed in heirship certificate cases. After the Court decides to grant such certificate, the concerned party must pay court fees based on the property's market value, either through challan or court fee stamps. For challan payments, advocates apply before the Civil Court. Such applications are processed through the Office Superintendent and then forwarded to the concerned Clerk. The Clerk verifies the challan on the official website (gras.mahakosh.gov.in). After verifying that the amount is deposited in the court account, the Clerk defaces the challan and prints the system-generated receipt showing endorsement. The defaced challan is attached to the case record.

9. The applicant, being the concerned Clerk, was entrusted with verification and defacement of challans in heirship certificate cases and was allotted user ID DSC315 for that purpose.

10. It is alleged that the applicant misled advocates by claiming that the challans they generated were incorrect. He insisted on preparing the challans himself, collected the amounts in cash or through bank transfers, and deposited only about 10% of the collected money in the Government account. By fabricating challans and altering GRN numbers, he showed 100% payment as made. The forged challans were then attached to case records as genuine. The investigation found 128 such instances of bogus challans, causing misappropriation of Rs. 68,84,099 belonging to the Government and litigants.

11. The computers and printers used by the applicant in committing the offence have been seized and sent to the Forensic Science Laboratory, Kalina, Mumbai. The Treasury Office Report dated 24 February 2025, along with the applicant's and his relatives' bank statements, show that he accepted funds in his own and his relatives' accounts while depositing only a small portion in the Government account through GRAS. The bank statements corroborate these acts.

12. On verification, the challans attached to court files show full payment. However, on checking the GRAS portal with the corresponding GRN numbers, the system shows "invalid" or "not traceable," confirming fabrication. The prosecution has recorded statements of 97 witnesses, including advocates and litigants, who have confirmed the applicant's involvement.

13. Considering the gravity of the allegations, the systematic manner in which public funds were misappropriated, and the evidence collected so far, the learned APP urged that the applicant's bail application deserves to be rejected.

14. I have carefully considered the rival submissions and perused the case papers and investigation material placed on record.

15. The allegations against the applicant are of serious nature. The applicant was working as a Junior Clerk in the Court of Civil Judge Senior Division, Panvel. His duty was to verify and deface challans submitted in heirship certificate cases after confirmation that the Government dues had been properly deposited. The material on record shows that he was entrusted with access to the system through user ID DSC315. The responsibility carried trust and confidence of the institution.

16. The prosecution alleges that the applicant misused this position and indulged in systematic manipulation of challans by accepting court fee amounts from advocates and parties, depositing only a fraction of such amounts in the Government account, and generating forged challans showing full payment. The total misappropriated amount, as found during investigation, is Rs. 68,84,099. Such conduct, if proved, amounts to criminal breach of trust by a public servant and forgery of public records. These are grave offences striking at the root of institutional integrity.

17. The applicant's defence that the audit reports did not show any loss does not by itself negate the prosecution case. Audit reports are not conclusive of criminal culpability. An audit is only an accounting exercise and cannot verify the genuineness of every challan individually. The discovery of bogus challans by the staff itself initiated the criminal proceedings.

18. The argument that the user ID DSC315 was not allotted to the applicant also cannot be accepted at this stage. The documents produced by the prosecution show that DSC315 was the user ID used for verification and defacement of challans in the Panvel Court. Whether the ID was formally allotted or unofficially accessed can be determined only during trial after forensic analysis of the seized computers and the GRAS login data.

19. The statement that none of the witnesses have seen the applicant forging challans cannot absolve him at this stage. Forgery of digital records is generally carried out through system access and not in presence of witnesses. The circumstantial evidence, including the Treasury report dated 24 February 2025, bank statements, and recovery of computers used by the applicant, prima facie corroborate the prosecution version. The bank transactions indicate that funds were received in the applicant's and his relatives' accounts corresponding to the periods when the forged challans were generated.

20. The argument that the amount of Rs.66 lakh has been recovered and hence continued detention is unnecessary does not merit acceptance. Recovery of amount does not wipe out the offence nor assure that the applicant will not tamper with digital or documentary evidence. The alleged offences involve manipulation of electronic data, forged records, and tampering of public documents. Such offences require careful forensic scrutiny.

21. The Court also cannot overlook the fact that the offence alleged against the applicant involves a clear breach of trust by a public servant. The position of a Junior Clerk in a Court is not a mere clerical post; it carries a duty to act with honesty and diligence in matters concerning court records and public money. Every document and transaction handled by a court employee bears a mark of public confidence. The faith of litigants and advocates in the justice system depends upon the integrity of every officer attached to the Court.

22. In this case, the applicant was entrusted with the responsibility of verifying and defacing challans after confirming payment of court fees into the Government Treasury. The duty was ministerial but sensitive, as it directly involved revenue collected by the State. Allegations that the applicant forged challans, accepted money from advocates, and prepared false receipts amount to a direct attack on the integrity of the judicial system.

23. A public servant is expected to perform his duties with transparency and fairness. The allegation that he diverted funds, fabricated records, and deceived litigants shows misuse of official position for personal gain. Such conduct, if proved, constitutes not only an economic offence but also moral corruption. It strikes at the foundation of discipline and trust that every Court must maintain among its officers.

24. The law has always viewed breach of trust by a public servant as an aggravated form of offence. The reason is simple: when the guardian of a system himself becomes the violator, it shakes the faith of society in that very institution. When money collected in the name of the Court is misappropriated, it not only causes financial loss to the State but also damages the image of justice as a sacred public function.

25. It is, therefore, imperative for the Court to treat such allegations with seriousness. The judiciary functions on the confidence of the people. That confidence rests on the belief that every court officer is accountable and that court records are above suspicion. A single dishonest act within the system can tarnish the reputation of the entire institution.

26. In this background, the Court finds that allegations of forgery and misappropriation by a court employee cannot be viewed as routine. They involve institutional breach of trust. Hence, while considering bail, the Court must weigh not only the liberty of the individual but also the necessity to preserve the purity of the system and the confidence of the public in the administration of justice.

27. The contention that the complainant himself has been arrested in another case does not dilute the gravity of the present offence.

28. The gravity of offence, magnitude of misappropriation, and the nature of evidence collected indicate that release of the applicant at this stage may prejudice the ongoing investigation. The evidence includes digital data which is susceptible to alteration if access is obtained.

29. The plea that the applicant has roots in society and will not abscond is noted. However, in economic offences involving manipulation of official records, the Court must balance personal liberty with the larger public interest. In cases of economic offences, especially where public funds are involved, the nature and gravity of the offence are relevant considerations while deciding bail.

30. In the present case, the allegations reveal a calculated misuse of official position extending over several years. The offence is not a result of momentary lapse but of deliberate manipulation.

31. 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 him at this stage may expose the witnesses to pressure or intimidation.

32. Considering the seriousness of allegations, the quantum of public money involved, the status of the applicant as a public servant, and the stage of investigation, this Court finds that the applicant has not made out a case for grant of regular bail. The material placed before the Court shows prima facie involvement of the applicant in systematic misappropriation through forged challans.

33. Accordingly, the application for regular bail is rejected.

34. However, it is clarified that the observations made herein are confined to the decision on bail and shall not influence the trial in any manner.

35. The bail application is disposed of.

(AMIT BORKAR, J.)