AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2153 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") seeking regular bail. The applicant is arrested in connection with Crime Register No.17 of 2025 registered at Panvel City Police Station for offences punishable under Sections 316(5), 318(4), 335, 336(1)(2), 337, 338, 339, 341, 178, 183, 45(c), 59, 60, 238, 239, 3(5), (6), (7), and (8) of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

2. As per the prosecution, the complaint was lodged by Mrs. Sanchita Santosh Gharat, Superintendent, Civil Court (Senior Division), Panvel. On 7 January 2025, she called Advocate Rahul Patil to inquire regarding Miscellaneous Application No.809 of

2024 for issuance of a heirship certificate. Advocate Rahul Patil informed that his client, Krushna Bhoir, had deposited the stamp duty amount in cash at the Court. As Advocate Rahul Patil was not available in Panvel on that day, he instructed his associate, Mr. Sanket Patil, to receive the money.

3. The record shows that the Court passed an order in the said application on 10 September 2024. Thereafter, Sanket Patil handed over the heirship certificate to the client on 13 September 2024. On 7 January 2025, he gave a statement that the cash amount received for stamp duty was handed over to the present applicant. A few days later, the applicant informed him that the certificate was ready. However, on verification, the challan in question did not appear on the GRAS website, and it was found to be bogus. Consequently, the complainant lodged the present complaint.

4. Mr. Kadam, learned Senior Advocate appearing for the applicant, submitted that the applicant was arrested on 18 January 2025. The FIR was initially lodged against an unknown person. He contended that co-accused Sanket Patil had forged the challans and even admitted that he had done so. The forged challan indicated a payment of Rs.18,750, whereas the actual payment was only Re.1. It is further submitted that accused Nos.3 and 4, namely Advocate Vishal Mundkar and Pravin Bandiwadekar, the then Assistant Superintendent, deleted the relevant records to destroy evidence against accused No.3. The applicant had informed the said Assistant Superintendent about the bogus challans, but no action was taken. Hence, according to learned counsel, the applicant has been wrongly implicated, whereas the main role lies with the other accused. He prayed that the applicant be granted regular bail.

5. In reply, Mrs. Newton, learned Additional Public Prosecutor, opposed the application. She submitted that accused No.2, Sanket Patil, in Civil Miscellaneous Application No.518 of 2024, prepared and used forged challans in the Panvel Court. The challan of Rs.1 was altered to Rs.18,750 and used as genuine. Similarly, in Miscellaneous Application No.809 of 2024, another challan of Rs.1 was altered to Rs.75,000 and used to obtain a forged heirship certificate. The forged certificate also carried a false signature of the Civil Judge, Senior Division-II, Panvel.

6. It is further submitted that during investigation, it came to light that after the applicant, accused No.1, became aware of the fraudulent challans, he informed accused No.4, Pravin Bandiwadekar. Instead of reporting the matter to the Presiding Judge, both accused Nos.1 and 4 conspired with accused Nos.2 and 3 to suppress the fraud. Investigation also revealed that after the arrest of accused No.2, accused No.3, who is his brother-in-law, deleted from his computer all files relating to CMA Nos.518 and 809 of 2024 and other similar matters to destroy evidence.

7. The prosecution further stated that out of seven challans generated in the name of Asha Ashok Gajare, five were defaced by the applicant to aid the co-accused, even though the same were not received from defacement. The case papers of CMA No.518 of 2024 remained in the custody of the applicant and accused No.4, under whom he worked, for nearly two months, from 5 August

2024 to 30 September 2024, beyond the permissible duration. On these grounds, the learned APP opposed the bail and urged for its rejection.

8. I have carefully considered the rival submissions and perused the case papers and investigation material placed on record. The allegations pertain to preparation and use of forged challans before the Civil Court, Panvel, and issuance of a false heirship certificate. The applicant was working as a Junior Clerk in the said Court. The material on record prima facie shows that forged challans were used in two matters, namely CMA No.518 of 2024 and CMA No.809 of 2024, and that such challans were not reflected on the official GRAS portal.

9. The Court cannot overlook that the offence involves breach of trust by a public servant. The applicant, being a Junior Clerk, was expected to act with integrity and maintain the sanctity of judicial records. Allegations of handling bogus challans, coupled with the fact that the heirship certificate was issued on the basis of a forged challan, reflect a serious dereliction of duty. Such acts, if proved, directly affect the faith of the public in the functioning of courts and the authenticity of judicial documents.

10. The statement of co-accused Sanket Patil shows that the cash amount collected for stamp duty was handed over to the applicant. The applicant's alleged role was not only of a passive nature but also of facilitation in ensuring that a forged challan was used in the system. The prosecution record indicates that the challan verification was within his responsibility and that the defacement process remained pending in his custody for an extended period. Such circumstances raise serious doubt regarding his conduct.

11. The defence contention that the applicant had informed his superior about the bogus challan but no action was taken, though raised, is not supported by contemporaneous evidence. No written communication or complaint appears to have been made by the applicant to any superior officer or authority. The Court, therefore, cannot accept this argument at this stage as sufficient to absolve the applicant from criminal responsibility.

12. The record further discloses that the co-accused, including advocates and other court staff, allegedly acted in concert to manipulate official records and destroy computer data connected with the fraudulent transactions. The applicant's proximity to such activity and his position of trust within the Court administration make the matter more serious.

13. The argument that the FIR was initially against an unknown person does not, by itself, entitle the applicant to bail once investigation has revealed his specific involvement. The gravity of the offence, the manner in which the fraud was executed, and the custodial evidence still being collected justify the continuation of his custody.

14. 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.

15. The present case reveals a disturbing instance of misuse of the internal machinery of the judicial system by its own staff. When persons entrusted with the custody and processing of judicial records engage in acts of forgery or manipulation, it is not merely an individual lapse. It becomes an assault on the credibility of the institution itself. The justice delivery system functions on the faith of the people, and such acts shake that very foundation.

16. Every public servant in the judicial establishment performs a duty of trust. The faith reposed in them by the Court is not personal, but institutional. Their acts and omissions have direct bearing on the reputation of the system they serve. A clerk handling court documents is expected to maintain absolute honesty. If court records are found to be forged or tampered with, it is not only the immediate litigant who suffers, but also the confidence of the public in the impartiality and reliability of the judiciary.

17. Issuance of a forged heirship certificate is not a clerical lapse. It amounts to a serious misuse of authority within the court premises. Such forged documents can be used in other proceedings, land transactions, or revenue records, creating a chain of illegality. It is, therefore, not a technical irregularity but an act that may have far-reaching consequences on administration of justice.

18. The Court is conscious that judicial officers and staff operate within a system that depends upon mutual trust. When that trust is breached, the rule of law itself is endangered. A forged court document not only misleads litigants but also tarnishes the sanctity of judicial orders. Such acts, if not dealt with firmly, may encourage others to manipulate court records for personal gain.

19. The present case, therefore, cannot be seen in isolation. It raises larger concerns about accountability and supervision within court establishments. The applicant, being part of the internal system, was expected to act as the first line of defence against malpractice. Instead, the material suggests possible participation in an unlawful act. The seriousness of such allegations demands strict scrutiny and cautious approach in granting bail.

20. The Court must ensure that justice is not only done but appears to have been done. Any leniency at this stage, when the investigation is uncovering systematic misuse of judicial procedure, may send a wrong message to society. Maintaining discipline and integrity within the judicial framework is essential for sustaining public trust in the rule of law.

21. Considering the gravity of the allegations, and the nature of the evidence collected this Court finds no ground to grant regular bail to the applicant at this stage. The application is, therefore, rejected.

22. The bail application is disposed of.

(AMIT BORKAR, J.)