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

**BAIL APPLICATION NO.2271 OF 2025**

Amar Dilip Patwardhan … Applicant
**V/s.**
The State of Maharashtra … Respondent



Ms. Smruti Jadhav i/by Bhave & Co., 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.** The present 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 at Panvel City Police Station for offences punishable under Sections 336, 337, 338, 339, 341, 238, 3(5), 45, 217(b), 222, 178, 179, 181, 182, 183 and 61(2) 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, filed a complaint stating that on 23 October 2024, Advocate Mahesh Deshmukh visited the Civil Court and enquired about an application for a certified copy bearing No. 6586 of 2023 filed on 7 November 2023 with Assistant Superintendent Mr. Pravin D. Bandiwadekar. Upon verification, it was found that Civil Miscellaneous Application No. 113 of 2022 was still pending before the Court and that no order had been passed in that matter. It was further discovered that the signature of Assistant Superintendent Mr. Bandiwadekar had been forged.

**3.** On further inquiry, it was revealed that the order in Application No. 6586 of 2023 purportedly bore the signature of Judge Smt. Poonam Shivaji Bidkar. On verification, it was confirmed that the said signature was forged. The corresponding entry of Civil M.A. No. 113 of 2022 had also been deleted from the Case Information System (CIS). The investigation disclosed that between November 2023 and 23 October 2024, forged copies of Civil Application No. 6586 of 2023 and Civil M.A. No. 113 of 2022 were created, and genuine entries were deleted from the CIS. On these facts, the FIR was registered.

**4.** Learned Advocate Mr. Jadhav appearing for the applicant submitted that the applicant had no direct role in the alleged offence. He stated that the applicant's involvement, if any, was limited to an advisory capacity and that the applicant was never the Advocate on record in the said case. There was no vakalatnama or authority letter in the name of the applicant. The applicant had no professional or personal connection with co-accused persons, and the Advocate on record in Civil Miscellaneous Application No. 113 of 2022 was Advocate Sandip Ramkar. The applicant had no access to the CIS login credentials, nor did he have any technical knowledge of the e-filing system. It is further contended that the applicant never deleted, uploaded, or altered any data from the CIS and had no role in tampering with court fee challans. The credentials, as per the statements of witnesses, were solely possessed by accused No.1, Court Clerk Mr. Deepak Phad.

**5.** Learned counsel submitted that the allegation that the applicant, along with co-accused No.3, misused the Court's stamp on forged documents is vague. The prosecution has not specified the exact time, date, or place of such alleged misuse. He pointed out that witnesses such as Mr. Bandiwadekar and Mr. Kemnaik were themselves arrested in a similar offence and are named as accused in the charge-sheet. The Registrar's statement indicates that the seals were not forged. He further submitted that allegations about destruction of documents by Mr. Upadhyay, Nitin Jadhav, and Kishor Mhatre show selective prosecution since the latter two are cited as witnesses instead of being made accused.

**6.** It is argued that the statement of Mr. Upadhyay claiming that he acted under threat from the applicant is false and inconsistent with the record. There is no contemporaneous complaint, corroborative witness, or supporting call data. The call detail records produced by the prosecution show that there was no communication between the applicant and accused No.5 after 22 October 2024, while the matter came to light only on 23 October 2024. Thus, the allegation that the applicant prompted accused No.5 to mislead by taking the name of deceased Advocate Kende is not supported by evidence. Further, the statement of Mrs. Gupta indicates that accused No.5 had mentioned the name of Advocate

Kende as early as October 2023 when the applicant was not even in contact with him.

**7.** Learned counsel emphasized that the alleged forged documents, including the order dated 7 November 2023, the heirship certificate dated 6 December 2023, and the challan, have not been recovered. The prosecution relies solely on photocopies, which have no evidentiary value under Section 65B of the Indian Evidence Act. The applicant was not present when the laptop and printer of co-accused Advocate Yogesh Kelkar were seized, and there is no evidence linking the applicant with those devices. Hence, the allegation of conspiracy between the applicant and accused No.3 is unfounded.

**8.** The applicant has not received any financial benefit from the alleged transaction. The charge-sheet does not show any monetary transfer between the applicant and co-accused persons. The alleged documents were never used before CIDCO or any government body. Since there was no gain to the applicant, the question of her making payments to others does not arise. The applicant's name was not mentioned by accused No.5 in his initial statement; it appeared only after his arrest, which indicates afterthought and pressure.

**9.** It was further submitted that the original statement of Advocate Mahesh Deshmukh, who first exposed the irregularities, does not mention the applicant as the person involved in creating forged documents. The co-accused No.5 described himself as a property agent until the filing of the charge-sheet and only later claimed to be a purchaser. The applicant had no contact with accused No.4, and on the dates when the alleged forged documents were prepared, the applicant was attending family festivities at Dombivali, which is corroborated by the call data records annexed to the charge-sheet.

**10.** Learned counsel pointed out several contradictions in the witness statements. The notary who allegedly attested the forged documents could not identify the person who presented them and did not mention the date of attestation. In support of his submissions, the applicant relied upon decisions of the Supreme Court and various High Courts including *State of Rajasthan v. Kashi Ram (2006) 12 SCC 254*, *Sheila Sebastian v. R. Jawaharraj (2018) 7 SCC 581*, *Babubhai v. State of Gujarat (2010) 12 SCC 254*, *State of NCT of Delhi v. Rajesh (2021) 11 SCC 1*, *Ranjitsingh Brahmajeetsing Sharma v. State of Maharashtra (2005) 5 SCC 294*, *State of Kerala v. Raneef (2011) 1 SCC 784*, and *Sanjay Chandra v. CBI (2012) 1 SCC 40*.

**11.** Learned counsel therefore submitted that the applicant has been falsely implicated and prayed for release on regular bail.

**12.** In reply, learned APP Mrs. Newton opposed the application. She submitted that the applicant had entered into a contract with accused No.5, who is a property agent, for Rs.9 lakh to obtain a fraudulent heirship certificate in Civil Miscellaneous Application No.113 of 2022. This fact, according to her, is supported by the statement of witness Ravindra P. Khanavkar. The learned APP stated that with the help of co-accused Advocate Yogesh Kelkar, the applicant prepared forged orders and certificates on Kelkar's laptop, which is confirmed by the Memorandum of Panchanama dated 1 January 2025. The said forged documents were transmitted through email, as recorded in the verification panchnama dated 2 January 2025. Two independent witnesses, namely Ashish Patwardhan and Sagar Patwardhan, have supported the prosecution's version.

**13.** The prosecution contends that the applicant lured Court Clerk Deepak Phad (accused No.1) with money to issue a fake challan of Rs.75,000 for CMA No.113 of 2022 and later instructed him to make repeated changes in the CIS and finally delete the case. The file logs confirm these actions. The applicant, along with accused Advocate Yogesh Kelkar, is alleged to have misused the Court's seal and further involved Advocate Gauri Kelkar to obtain the forged signature of the 5th Joint Civil Judge, Junior Division, Panvel, on the fake heirship certificate. The learned APP further submitted that the investigation revealed continuous communication between the applicant and the other accused during the relevant period. Verification of the applicant's email account shows that she received the forged document from Advocate Yogesh Kelkar. The material also indicates that out of the Rs.9 lakh paid by accused No.5, the applicant received Rs.4 lakh and distributed it among co-accused. The applicant also advised accused No.5 to mislead the investigators by naming deceased Advocate Kishor Kende instead of herself. The learned APP, therefore, urged that considering the seriousness of the offence, the organized nature of the crime, and the strong prima facie evidence, the bail application deserves to be rejected.

**14.** I have carefully considered the submissions made by learned counsel for the applicant and the learned APP for the State. I have perused the charge-sheet, statements of witnesses, seizure panchnamas, electronic records, and other material on record. The issue before this Court is whether the applicant has made out a case for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

**15.** The case concerns grave allegations involving a criminal conspiracy to forge judicial documents, misuse of the official seals of the Court, and deliberate tampering with entries in the Case Information System (CIS) of the Civil Court at Panvel. These acts, if proved, go to the very root of the justice delivery process and amount to a direct assault on the credibility and sanctity of the judicial institution.

**16.** The records maintained by any court are not private property of any individual. They are official judicial records recognized as public documents. They carry a presumption of authenticity and serve as proof of judicial acts and proceedings. These documents form the foundation upon which orders are executed, decrees are enforced, and rights of citizens are determined. The integrity of these records is, therefore, of utmost importance for the proper administration of justice.

**17.** When any person, particularly one connected with the court establishment or legal profession, engages in acts of forgery, falsification, or alteration of judicial records, such conduct does not merely constitute a statutory offence under the Bharatiya Nyaya Sanhita. It amounts to a breach of public trust and a deliberate interference with the course of justice. The administration of justice functions on faith and faith of the public that judicial orders and records reflect the true and lawful exercise of judicial power. Any attempt to forge or tamper with these records weakens that faith and erodes the moral foundation of the judiciary.

**18.** The prosecution material, including the digital evidence collected from the Case Information System (CIS), shows that deliberate alterations were made in the electronic record of Civil Miscellaneous Application No.113 of 2022. These alterations are not accidental or clerical in nature but are specific and targeted. The corresponding file logs and user access records, collected during investigation, reveal unauthorized access from specific user credentials and deletion of genuine entries. The pattern and timing of these alterations indicate that they were part of a planned effort to fabricate a false judicial outcome and conceal its trace from the official system.

**19.** The misuse of the official seal of the Court and forgery of the signature of a sitting Judge aggravates the seriousness of the offence. The use of forged seals and fake judicial orders gives an appearance of legitimacy to fabricated documents, thereby misleading not only litigants but also public authorities. Such acts strike at the confidence of society in the impartial functioning of the judiciary.

**20.** Forgery of judicial documents is not comparable to forgery of private documents. It has far-reaching consequences. A forged court order or heirship certificate can be used to claim property, alter legal rights, and deceive government institutions. It undermines the principle that court orders are final and binding expressions of law. Therefore, in the hierarchy of criminal offences, such acts occupy a higher degree of seriousness, as they affect both public order and the integrity of governance.

**21.** From the evidence collected so far, it is clear that there was deliberate and organized manipulation of judicial data. The investigation has produced credible material such as email records, file access logs, and statements of court officials showing that the applicant and co-accused worked together in executing this forgery. These materials have an evidentiary value under Sections 65A and 65B of the Evidence Act as electronic records, and they corroborate the allegation that the tampering was intentional and systematic.

**22.** The judicial institution depends on the authenticity of its own records. Once the reliability of those records is compromised, the entire structure of justice delivery becomes vulnerable to manipulation. The acts alleged in this case, therefore, cannot be treated as ordinary economic or clerical offences. They are, in essence, offences against the very institution of justice. The Court, while considering such matters, must view them in that larger constitutional perspective where preservation of judicial sanctity is not only a matter of procedure but also of public trust.

**23.** Thus, on the basis of the credible evidence placed on record, this Court finds that the acts of conspiracy, forgery, and tampering with judicial data, if ultimately proved, constitute grave interference with the administration of justice and a serious breach of the public trust reposed in the judicial system.

**24.** The prosecution alleges that the applicant, in collusion with other co-accused persons, fabricated a forged heirship certificate in Civil Miscellaneous Application (CMA) No.113 of 2022 by creating a false order, forging the signature of a sitting Judge, and deleting the corresponding entry from the CIS. The forged certificate was allegedly prepared for the benefit of property agent accused No.5, in consideration of a monetary contract of Rs.9 lakh.

**25.** The investigation has revealed that co-accused Advocate Yogesh Kelkar used his laptop to prepare the forged document, which was transmitted to the applicant through email. This fact is recorded in the Panchanama dated 2 January 2025. The Memorandum of Panchanama dated 1 January 2025 confirms the recovery of electronic material used in preparing the forged heirship certificate. The forensic evidence in the form of email transmission, coupled with the statement of witnesses Ravindra Khanavkar, Ashish Patwardhan, and Sagar Patwardhan, gives a prima facie indication that the applicant was aware of and participated in the preparation of the forged certificate.

**26.** The learned counsel for the applicant argued that the applicant had no CIS login credentials, had not filed any vakalatnama, and was not the Advocate on record. He also contended that the entire prosecution case rests upon conjecture and statements of co-accused without corroboration. However, this argument does not hold weight at this stage. The charge-sheet and accompanying material disclose electronic records and file logs showing that modifications were made in the CIS during the relevant period using credentials of accused No.1, who was a Court Clerk, and that these changes were made on the instructions of the applicant.

**27.** The prosecution has further produced call data records and email logs indicating that the applicant was in constant communication with accused No.1 (Court Clerk), accused No.3 (Advocate Yogesh Kelkar), accused No.4 (Advocate Gauri Kelkar), and accused No.5 (property agent Sunil Upadhyay) during the period when the offence was committed. The frequency and duration of these communications are consistent with the timeline of the alleged acts of forgery and manipulation.

**28.** The submission that the applicant was attending family functions during the relevant period is a matter of defence, which can be examined at the stage of trial. The call data and other electronic evidence presently on record show active communication between the applicant and other accused persons during that very period. Hence, such a plea cannot be accepted at the stage of deciding bail.

**29.** The contention that the prosecution relies only on photocopies of documents and not on originals is also not sufficient to discredit the prima facie case. The investigation has documented that the original forged documents were destroyed after use by certain co-accused persons. However, the existence of scanned copies, digital records, and corroborating witness statements establish that the forgery was indeed committed. Whether the absence of originals weakens the evidentiary value will be decided at the stage of trial, not at the stage of bail.

**30.** The learned counsel has argued that there was no monetary transaction between the applicant and co-accused. However, the prosecution has placed on record statements of witnesses indicating that the applicant had accepted Rs.4 lakh from the total consideration of Rs.9 lakh given by accused No.5. The statement of accused No.5, coupled with the statement of witness Ravindra Khanavkar and corroborated by email trail, supports this allegation.

**31.** It has also come on record that the applicant instructed accused No.5 to mislead the investigating agency by taking the name of deceased Advocate Kende. Such conduct prima facie indicates a conscious attempt to obstruct investigation and misdirect the inquiry.

**32.** The learned counsel's argument that there is selective prosecution, as some persons were made witnesses and others accused, cannot be accepted at this stage. The manner in which the prosecution classifies witnesses and accused is based on the material gathered during investigation. Unless mala fides or arbitrariness is shown, such classification cannot be the basis for grant of bail.

**33.** The seriousness of the allegations cannot be understated. The alleged acts involve deliberate forgery of judicial orders, fabrication of heirship certificates bearing the signature of a sitting Judge, deletion of genuine case entries from the CIS, and misuse of the official seal of the Court. These acts amount to obstruction of the due course of justice and undermine public faith in the judicial system.

**34.** The applicant was in regular contact with the co-accused, actively participated in creation and transmission of forged documents, and allegedly received financial consideration for her role. Her conduct in influencing other accused to conceal her identity and in providing misleading directions to witnesses reflects a deliberate attempt to frustrate investigation.

**35.** The gravity of the offence, the nature of evidence collected, the role attributed to the applicant, and the chain of digital and circumstantial evidence cumulatively create a strong prima facie case. The applicant was not a passive participant but an active facilitator. The involvement of court staff, advocates, and private agents in forging judicial records makes this offence one of high institutional sensitivity.

**36.** At this stage, there is no material to conclude that the prosecution case is false or fabricated. On the contrary, the evidence collected so far points towards a concerted conspiracy to manipulate judicial records and use them for unlawful gain. Such conduct, if permitted to go unchecked, would destroy the credibility of the justice delivery system itself.

**37.** Considering the gravity of the offence, the strong prima facie material, and the possibility of the applicant influencing witnesses who are mostly court staff, I am of the considered opinion that the applicant does not deserve the relief of bail at this stage.

**38.** The Bail Application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is rejected.

**39.** The observations made herein are only for deciding the present bail application and shall not influence the trial on merits.

**40.** The bail application is disposed of.

**(AMIT BORKAR, J.)**