

AGK

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

**BAIL APPLICATION NO.2414 OF 2025**

|                            |                |
|----------------------------|----------------|
| Sunil Chetnarayan Upadhyay | ... Applicant  |
| <b>V/s.</b>                |                |
| The State of Maharashtra   | ... Respondent |

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Dr. Abhinav Chandrachud with Mr. Pranit Kulkarni, Mr. Pawan Pandey, Mr. Devendra Agrawal, Ms. Sneha Mishra, Ms. Kajal Mishra, Mr. Rishabh Jain, and Ms. Nikita Shukla i/by Mr. Prem Kumar R. Pandey 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), by which 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(Kha), 222, 178, 179, 181, 182, and 183 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. As per the prosecution case, the informant, who serves as Superintendent in the Court of the Civil Judge, Senior Division, Panvel, lodged a complaint stating that on 23 October 2024,

Advocate Mahesh Deshmukh visited the Civil Court and made an inquiry regarding an application for a certified copy bearing No. 6586 of 2023 filed on 7 November 2023 with Assistant Superintendent Mr. Pravin D. Bandiwadekar. The Assistant Superintendent approached the informant for verification, and upon checking the official record, it was found that Civil Miscellaneous Application No. 113 of 2022 was still pending before the Court, and no order had been passed therein. It was also discovered that the signature of Mr. Bandiwadekar on the concerned document had been forged.

3. Further inquiry 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 her signature too was forged. The entry of Civil M.A. No. 113 of 2022 was found deleted from the Case Information System (CIS). It appeared that some unknown person had fabricated false copies of Civil Application No. 6586 of 2023 and Civil M.A. No. 113 of 2022 between November 2023 and 23 October 2024 and deleted the genuine entries from the CIS. Based on these facts, an FIR was registered.

4. Learned Advocate Mr. Chandrachud, appearing for the applicant, submitted that the only role attributed to the applicant is that he allegedly misled the investigation by not disclosing that he had engaged Advocate Amar Patwardhan for obtaining the heirship certificate, and instead stated that he had engaged the late Advocate Kishor Kende. It is alleged that the applicant received the forged heirship certificate at the CIDCO office and

was in contact with Advocate Amar Patwardhan during the relevant period. The prosecution also alleges that the applicant paid an excessive fee to Advocate Patwardhan.

5. Learned counsel submitted that one of the witnesses, Nitin Jadhav, stated that Advocate Patwardhan had instructed the applicant to name deceased Advocate Kende, failing which all would be implicated in the case. Therefore, the applicant's statement during investigation must be seen in this context. The alleged misleading statement was made under pressure and not with any criminal intent.

6. It was argued that the applicant had no knowledge that the heirship certificate was forged when he first used it. The applicant had engaged a CIDCO agent, Kishor Mhatre, on 5 December 2023 to assist in property matters. It was only around 10 March 2024 that Mhatre informed the applicant's colleague Nitin Jadhav that the heirship certificate could not be found in the online records of the Civil Court. Only at that stage did the applicant suspect something was wrong. Thereafter, it was the applicant himself who engaged Advocate Mahesh Deshmukh to verify the records in the Civil Court, which ultimately led to the discovery of the forgery and filing of the FIR. The applicant voluntarily gave Advocate Deshmukh all documents in his possession, including the forged certificate.

7. Learned counsel further submitted that the prosecution's case that the forged certificate was used before CIDCO is not supported by evidence. No CIDCO official or prosecution witness

has stated that the forged certificate was actually submitted. CIDCO's own email dated 22 December 2023 informed the applicant's agent that the application stood closed for non-submission of necessary documents within the stipulated period. Hence, there is no proof that the forged document was used or acted upon.

**8.** It was further contended that it was natural for the applicant to have been in contact with Advocate Patwardhan, as he had engaged him for the purpose of obtaining the heirship certificate. The applicant had been introduced to Advocate Patwardhan by a property agent in mid-2023, and he engaged him formally in November 2023. The alleged forgery was committed by Advocate Gauri Kelkar, with whom the applicant had no communication or acquaintance.

**9.** Learned counsel submitted that the amount of Rs.1 lakh paid to Advocate Patwardhan was not abnormally high, as the applicant had earlier paid Rs.15,000 to his previous Advocate, and considering the nature of property documentation, the fee charged by Patwardhan was not excessive to raise suspicion. The applicant was arrested on 17 February 2025, investigation is complete, and charge-sheet has been filed. Hence, his further custody is not required. The applicant is a permanent resident of Panvel and will attend the trial. Therefore, he prayed that the applicant be released on regular bail.

**10.** On the other hand, learned APP Mrs. Newton opposed the application. She submitted that the investigation reveals that the

applicant had offered extra payment to Advocate Amar Patwardhan to obtain a fake heirship certificate in the name of Smt. Kamaladevi Gupta through the Panvel Civil Court. The applicant intentionally misled the police and the Court by naming deceased Advocate Kishor Kende instead of Advocate Patwardhan, thereby attempting to protect the real culprits and obstruct the investigation.

**11.** The learned APP submitted that the call detail records confirm frequent communication between the applicant and Advocate Patwardhan during the relevant period. The witnesses have stated that while obtaining the NOC from previous Advocate Sandeep Ramkar, the applicant had assured that the heirship certificate would be obtained without the heirs being present, which itself shows prior knowledge of irregularity. The statement of Advocate Ramkar, recorded on 10 November 2024, supports this version.

**12.** It is further alleged that after learning that the certificate was forged, the applicant destroyed the original to conceal evidence. Two witnesses confirmed that the applicant had engaged Advocate Patwardhan to obtain the certificate and that out of Rs.9 lakh fixed for the entire transaction, the applicant paid Rs.4 lakh to Patwardhan. The notarized copy of Civil M.A. No.113 of 2022 was seized from the applicant under panchanama dated 26 February 2025. The prosecution has also recorded the statement of Smt. Kamaladevi Gupta, who confirmed that she had entrusted the work of obtaining the heirship certificate to the present applicant.

**13.** Based on this material, the learned APP submitted that there is sufficient prima facie evidence that the applicant played an active role in the conspiracy, benefited from the forged document, and attempted to mislead the investigation. Considering the gravity of the offence and the applicant's conduct, she prayed that the bail application be rejected.

**14.** I have considered the submissions made by the learned Advocate for the applicant and the learned APP for the State. I have also gone through the charge-sheet, witness statements, panchanamas, digital evidence, and other material placed on record.

**15.** The application seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The principles for grant of bail are well settled: the Court must consider the nature and gravity of the offence, the role attributed to the applicant, the quality of evidence collected, the possibility of tampering with evidence, and the likelihood of the accused evading trial.

**16.** 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.

**17.** 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.

**18.** 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.

**19.** 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.

**20.** 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.

**21.** 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.

**22.** The prosecution alleges that the applicant induced Advocate Amar Patwardhan to obtain a forged heirship certificate in the name of Smt. Kamaladevi Gupta by paying an illegal consideration of Rs.9 lakh, of which Rs.4 lakh was allegedly paid to Advocate Patwardhan. It is also alleged that the applicant was in constant contact with Advocate Patwardhan during the period when the fake certificate was prepared and that the applicant later attempted to use the forged certificate at the CIDCO office.

**23.** The material collected during investigation supports these allegations. The call detail records (CDRs) show frequent and

sustained communication between the applicant and Advocate Patwardhan during the crucial period from November 2023 to February 2024. The statement of Advocate Sandeep Ramkar indicates that when the applicant obtained a No Objection Certificate from him, the applicant mentioned that the heirship certificate could be obtained without the presence of legal heirs. This statement, recorded on 10 November 2024, corroborates the prosecution's case that the applicant was aware of the illegal nature of the process.

**24.** The contention of the applicant that he had no reason to believe the heirship certificate was forged until March 2024 does not stand to reason. The sequence of events and the applicant's conduct after the discovery of forgery show deliberate concealment. The record shows that the applicant did not immediately approach the police upon learning of the forgery. Instead, he first attempted to manage the situation by engaging Advocate Mahesh Deshmukh for internal verification. This delay, coupled with destruction of the alleged forged certificate, points to a conscious effort to suppress evidence.

**25.** The applicant's explanation that he named deceased Advocate Kishor Kende instead of Advocate Patwardhan under threat also lacks corroboration. There is no material to show that any such threat was made. The applicant's statement that he was pressured to give false information is unsupported by any contemporaneous complaint, communication, or witness. On the contrary, the CDRs show that the applicant remained in contact with Advocate Patwardhan even after the alleged forgery was

discovered, which is inconsistent with his claim of duress.

**26.** The applicant's submission that the alleged forged certificate was never used at CIDCO office is also not borne out by the evidence. The statement of witness Nitin Jadhav, as well as the communication between the applicant's agent and CIDCO officials, indicates that the certificate was indeed presented for consideration, although CIDCO later closed the application due to incomplete documentation. Even an attempt to use a forged judicial document constitutes an offence.

**27.** The defence plea that the applicant's payment of Rs.1 lakh to Advocate Patwardhan was not excessive is not persuasive. The prosecution case is not merely about payment of fees but about payment of illegal gratification for obtaining a false certificate. The statement of witness Ravindra Khanavkar corroborates that a sum of Rs.9 lakh was fixed for the entire fraudulent transaction and that Rs.4 lakh was paid by the applicant. The existence of monetary consideration lends substance to the allegation of conspiracy.

**28.** The seizure of a notarized copy of Civil M.A. No.113 of 2022 from the applicant under panchanama dated 26 February 2025 further connects the applicant to the forged document. The statement of Smt. Kamaladevi Gupta recorded on 9 November 2024 confirms that the applicant was handling the entire process of obtaining the heirship certificate on her behalf. Her statement, read with the CDR and financial trail, provides prima facie evidence of the applicant's active role.

**29.** The applicant's reliance on his own act of engaging Advocate Deshmukh to expose the forgery does not absolve him. The law distinguishes between bona fide disclosure and self-serving conduct. The applicant's disclosure came only after the forgery became publicly known and after certain documents were already traced to him. Such conduct appears more as damage control than as voluntary cooperation.

**30.** The argument that the applicant is a permanent resident of Panvel and that investigation is complete cannot outweigh the seriousness of the allegations. The evidence on record shows that most of the prosecution witnesses are court employees, advocates, and agents who had direct or indirect professional relations with the applicant. Releasing the applicant at this stage carries a real risk of influencing witnesses or tampering with evidence.

**31.** The acts alleged in this case are not ordinary offences. Forging a judicial order and misusing the court's official seal are acts that attack the credibility of the judicial institution itself. Courts have consistently held that such offences require a strict view. The conduct of the applicant, including suppression of material facts and misleading the investigation, indicates conscious participation in the offence rather than innocent association.

**32.** On the basis of the material placed on record, there exists a strong prima facie case against the applicant. The digital evidence, witness statements, and financial transactions collectively support the prosecution's version. The applicant's explanations are not supported by independent or contemporaneous material and

appear to be afterthoughts.

**33.** Considering the gravity of the offence, the nature of evidence, and the likelihood of interference with the trial if released, this Court is of the considered view that the applicant is not entitled to bail at this stage.

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

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

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

**(AMIT BORKAR, J.)**