

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO.3741 OF 2025**

Santosh Dada Sathe  
*Versus*  
State of Maharashtra

...Applicant

...Respondent

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**Mr. Balwant Salunkhe** a/w Sunil Kadam, *for the Applicant.*  
**Ms. Anamika Malhotra**, *APP for the Respondent - State.*  
IO – Gulab Tukaram Bachewad, Tilaknagar Police Station,  
present.

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**CORAM    DR. NEELA GOKHALE, J.**  
**DATED:    30<sup>th</sup> SEPTEMBER 2025**

**PC:-**

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.618 of 2024 dated 16<sup>th</sup> December, 2024, registered with the Tilaknagar Police Station, District: Brihanmumbai City, for the offences punishable under Sections 318(4), 336(2), 336(3), 338, 340 (2) and 61(2) of the Bhartiya Nyaya Sanhita ('BNS') and under Sections 66 (C) and 66(D) of the Information and Technology Act, 2000.

2. The case of the prosecution is that information was received from one Kishan Hanmantrao Pawar, Principal of K.J. Somaiyya College of Arts & Commerce, that certain employees of the college including some clerks and others, in connivance with each other, indulged in fabricating and forging mark-sheets and leaving-certificates, which were used for procuring admission to the 11<sup>th</sup> Standard in the college for the academic year 2024 – 2025. There are in all 10 accused persons involved in the present crime. The present Applicant is Accused No.8. The role of the present Applicant as per the FIR and the charge-sheet is based on the statement of a parent of a student, who procured admission in the said college on the basis of such fabricated and forged mark-sheet. It is alleged that the present Applicant in connivance with a staff member called Raju took an amount of Rs.1,70,000/- from the parent of that candidate and forged his mark-sheet to facilitate his admission in the college. Accordingly, on the basis of the Principal's complaint, the FIR came to be registered.

3. The Applicant made an Application before the Sessions Court, however, by order dated 7<sup>th</sup> April, 2025, the said bail application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Salunkhe, learned counsel for the Applicant, at the very outset, brought to my attention, the order of the Sessions Court granting bail to as many as 5 co-accused. He submits that on the principle of parity, the present Applicant also be granted bail, on the basis of the orders granting bail to 5 other co-accused. According to him no money was recovered from the Applicant and there is no material to indicate his complicity in the said offence. He submits that the Applicant was arrested on 27<sup>th</sup> December, 2024 and till date no charge has been framed. In these circumstances, he prays that the Applicant be enlarged on bail.

5. Per contra, Ms. Malhotra, learned APP representing the State, states that Accused Nos.3, 4, 5, 7 and 9 are not granted bail. She has placed on record order dated

27<sup>th</sup> June, 2025 passed by this Court in Bail Application No.2245 of 2025 pertaining to co-accused Sharad Janardan Shiroadkar, wherein said Sharad's Advocate had sought permission to withdraw said bail application when the Court indicated its disinclination to grant bail. Accordingly, the bail application of the said co-accused was withdrawn. Ms. Malhotra also placed on record an order rejecting bail of another co-accused namely Mahendra Vishnu Patil, passed by the Sessions Court. She submits that charges are likely to be framed and the trial is also likely to commence in the foreseeable future. She submits that offense is of serious nature. Insofar as the principle of parity is concerned, she submits that there is no similarity in the role attributed to the accused who have been granted bail with that of the present Applicant, hence, the principle of parity cannot be invoked in the present matter. She thus, prays that Application be rejected.

6. I have heard learned counsels for the respective parties and perused the record of the case with their assistance.

7. Admittedly, the offense is of a serious nature. Such acts are likely to affect the future of aspiring candidates. The entire level playing field is disturbed, playing havoc with students lives and careers, making this a serious offense. As far as the merits of the present case are concerned, I have gone through the orders granting bail to the co-accused. In paragraph No.9 of the order dated 16<sup>th</sup> April, 2025 granting bail to the co-accused, namely Pandit Ramesh Karenke, the trial Court has specifically observed that the said co-accused is not an employee of the college.

8. In any case, the role of the co-accused namely Sharad Janardan Shirodkar, who withdrew his bail application on this Court not being inclined to grant him bail, is similar to that of the present Applicant. In fact, his role is of a lesser degree than that of the present Applicant. Thus, this Court has

rejected the bail application of a co-accused having similar role to that of the Applicant. Considering the totality of the circumstances in the case, I am not inclined to grant bail to the present Applicant. This is not a fit case for grant of bail.

9. In view of the aforesaid, Bail Application is rejected.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

11. Since the Applicant is in incarceration from 27<sup>th</sup> December, 2024, the Trial Court is requested to expedite the trial.

**(DR. NEELA GOKHALE, J)**