

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 714 OF 2025

Sandip s/o. Dattatraya Dharankar

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

None for the Applicant.

Mr. H. S. Venegaonkar, Chief P. P. a/w. Ms. Supriya Kak, A.P.P. for the State.

Mr. Dipak Jadhav, P. I., Chawani Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 13th MARCH, 2025

P.C. :-

The learned A.P.P. points out that in the matter of the co-accused, an order was passed by this Court on 10th March, 2025 wherein there is specific mention of the present applicant in paragraph (6). For ease of reference, the order dated 10th March, 2025 is reproduced hereinbelow :-

1. These applications are filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with the First Information Report (FIR) No.40/2025 registered with the Chavani Police Station, Taluka Malegaon, District Nashik, for the offence

punishable under Sections 318(4), 336(3), 340(2), 338 of the Bhartiya Nyaya Sanhita, 2023.

2. A complaint was lodged alleging that Bangladeshis are illegally residing in Malegaon. The accused persons have facilitated in helping them to secure documents for their illegal stay in Malegaon. The names of the applicants are mentioned in the FIR, and their role has been specified in complaint.

3. It is the case of the applicant in Anticipatory Bail Application No. 562/2025 that he is a junior advocate and has not forged any documents. The allegation against the present applicant is that, on the vakalatnama of the clients, he signed the vakalatnama on their behalf, making it appear as if his clients had signed those documents

4. Similarly, it is the case of the applicant in Anticipatory Bail Application No. 589/2025 that he published notices in his newspaper without any ulterior motives. He has no role to play in relation to the present offence. The editor of newspaper is not responsible for the contents of the notices.

5. On behalf of the State, the present applications have been opposed, with the argument that this is the *modus operandi* of a big plan hatched. On a large scale, Bangladeshis are granted illegal documents, which they collect in order to apply for citizenship in this country and then participate in elections. The custody of present applicants is necessary for conducting investigation.

6. I have considered the arguments of both the sides. Accused no.10 – Nayab Tahsildar is the person who issued the subject birth certificates. The agents of the Nayab Tahsildar first come in contact with the present applicant – Khalid. The present applicant being a lawyer prepared the application for issuance of the birth certificates. Thereafter, as per rules, a notice have been published in the newspapers of the applicant - Nivrutti Eknath Bagul.

The applicant Nivrutti published the notices in the newspapers. After the notices were issued, the matter was further pursued by the applicant Khalid (a lawyer), and thereafter, the Nayab Tahsildar verified the documents and issued the birth certificates. It is pertinent to note that, although it might appear to be very simple, the fact remains that the present applicants are practicing advocates and the editor/publisher of a daily newspaper. As a lawyer, it appears that on his own the applicant signs on behalf of the clients and accordingly, an application is prepared for obtaining birth certificate. As many as 2,800 notices have been published in the newspapers, according to the IO's report as of today. Once these notices are published calling for objections under Section 13, the matter proceeds further. Taking into consideration the application made by the applicant – Khalid. The Nayab Tahsildar, through his agent, then granted the birth certificates.

7. The twelve accused have been arrested who have been alleged as Bangladeshis. The five main accused who are the persons who have acted for issuance of these birth certificates, two are before this Court, one has been granted regular bail and others are absconded. This issue is a very serious one, that Bangladeshis are obtaining birth certificates and thereafter, they are applying for getting various Government facilities of this country including that of a election card. It appears that the documents are forged. The said documents are of the Municipal Corporation where the seal of the Municipal Corporation has been used. The physical presence of the present applicants is necessary for the purpose of interrogation. Hence, no case is made out to grant pre-arrest bail to the present applicants.

8. The anticipatory bail applications are rejected and disposed of accordingly.

2. None present for the applicant when the matter is called out.
3. As a matter of last chance, stand over to **20th March, 2025**.

Matter to come up under the caption of '**Urgent Circulation**'.

4. The applicant is directed to serve a copy of the present anticipatory bail application on the State.

[RAJESH S. PATIL, J.]