



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 462 OF 2025

Jyoti Krushnarao Barde Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.A. Dhawas, counsel applicant.

Mrs. Sneha Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/07/2025.

1. Apprehending the arrest at the hands of police in connection Crime No.99/2025 registered under Section 417 and 420 of the Indian Penal Code, 1860, the applicant approached this court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that applicant is working as an assistant teacher, and criminal law was set in motion on the basis of the information supplied by the informant Vinay Pandurang Deshmukh, Extension Officer (Education), Panchayat Samiti, Chandur Railway. On an allegation that, she prepared a bogus handicapped certificate and produced it to the authority in order to secure her transfer under the Category-I. On the basis of said report, police have registered the crime against the present applicant. He submitted that, in fact, the applicant is a victim, as she approached the same, the

office of the civil surgeon, and said certificate was handed over to him. Now, the disciplinary action is already taken against her, and her two increments are already withheld. Thus, considering the action is already taken against her and considering the fact that the certificate is already seized by the investigating agency, her custodial interrogation is not required. He further submitted that there is no compliance, in view of the directions of the Hon'ble Apex Court in the case of ***Satender Kumar Antil Versus Central Bureau Of Investigation & Anr.***

3. Learned APP strongly opposed the said application and submitted that the departmental inquiry was initiated against the present applicant and the allegation against her was already proved during the inquiry, and therefore, the punishment was imposed. Considering that intentionally to obtain the benefit of the said scheme, she has produced the false certificate, and therefore, the application deserves to be rejected.

4. On hearing both sides and on perusal of the investigation papers, it reveals that the present applicant has obtained the forged certificate of having a handicapped person and obtained the benefit of the said scheme, though she is not entitled for the same, and thereby her involvement in the said offence is revealed. The offence is registered under Sections 420 and 470 of the IPC, for which punishment of less than seven years

is provided, in view of that, notice under section 35(2) of the BNS was required to be given, which was not given by the investigating officer. In view of the observations of the Hon'ble Apex Court in the case of *Satender Kumar Antil Versus Central Bureau Of Investigation & Anr. reported in 2022 Livelaw (SC) 577*, the applicant has made out a case for grant of ad-interim anticipatory bail, as there is no compliance of Section 35(2), in view of that, I proceed to pass the following order:

ORDER

- a] Criminal application is allowed.
- b] In the event of arrest, the applicant – *Jyoti Krushnarao Barde* shall be released on anticipatory bail in connection Crime No.99/2025 registered under Section 417 and 420 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station on Sunday between 10.00 a.m. to 01.00 p.m. till filing of the charge-sheet and shall cooperate with the investigating agency.

- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- e] The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]