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

CRIMINAL APPLICATION (BA) NO.973/2025
Mahendrakumar s/o. Bhaurao Mhaiskar
Vs.
State of Maharashtra

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Anil Mardikar, Senior Advocate a/b. Mr. D. S. Jagyasi, Advocate for the Applicant.
Mr. N. R. Rode, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.
DATED : 29/09/2025.

. Heard.

2. The applicant is arrested in Crime No.254/2025 registered at Police Station Sadar, District Nagpur for the offences punishable under Sections 420, 465, 468, 471, 472, 409, 120-B read with 34 of the Indian Penal Code.

3. On complaint lodged against Parag Pudke and Ulhas Narad crime under Sections 420, 465, 468, 471, 472, 409, 120-B read with 34 of the Indian Penal Code is registered and they were arrested. The allegations are made that this applicant has provided the forged documents to the applicant No.1 at the time of his appointment i.e. experience certificate and the approval about his earlier service. This applicant has received Rs.2,50,000/- for preparing the said forged approval and continuity certificate in respect of accused Parag Pudke.

4. The learned Counsel for the applicant has stated that the applicant is Assistant Teacher in private school. The allegations made against this applicant are about providing the forged documents. All other accused are already released on bail. The applicant is arrested on

17.04.2025. The main beneficiary of said fraud namely Parag Pudke, is released on bail and other accused are also released on bail. The parity is available to this applicant.

5. The allegations are made that the said Parag Pudke without any qualification was appointed on the forged documents as a Head Master and approval was granted. The person, who has granted the approval and the persons who have verified the said documents are already released on bail. There are 60 witnesses. It will take time to conclude the trial. The charge-sheet is filed on 10.07.2025. Now, the custody of this applicant is not required.

6. The learned Senior Counsel has relied on the judgment of the Hon'ble Apex Court in the case of *Nikesh Tarachand Shah Vs. Union of India and Anr.* reported in **(2018) 11 SCC 1** in support of the argument that the bail is rule and refusal is exception. The applicant is not a habitual offender. No antecedent is there. Therefore, the parity is available to this applicant.

The applicant has also placed reliance on the judgment of *Sanjay Chandra Vs. Central Bureau of Investigation* reported in **(2012) 1 SCC 40** wherein it is observed in paragraph No.23 as under :

> *"23. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson."*

He has also relied on the judgment of the *Manish Sisodia Vs. Directorate Enforcement* ***[Criminal Appeal arising out of SLP (Crimnal) No.8781 of 2024]***. Here also the observations made about the bail is rule and the refusal is an exception.

7. The learned Senior Counsel Mr. Anil Mardikar has stated that the offences which are registered against this applicant are under Sections 472 and 409 of the Indian Penal Code. Both the offences are triable by the Magistrate. The offence under Section 409 will not be attracted to this applicant as he is not a Government Servant. The offence under Section 472 of the Indian Penal Code is registered, for which the punishment is imprisonment for life, however, is triable by the Magistrate and the Magistrate can sentence the punishment up to 7 years. As all the accused are released on bail, custody of this applicant is not required. Hence, prayed to release the applicant on bail.

8. The learned A.P.P. has opposed the application stating that during the investigation, it is found that this is a big scam. There is misappropriation of 145.88 crores. In house search, the documents are found, the names of other persons are also mentioned. Supplementary charge-sheet is prepared. The investigation is going on. Various persons are involved and duped in this scam. There are 23 accused persons. The custody is required during further investigation. The documents are recovered from the computer shop. The statement of said computer shop owner shows that the applicant has not disclosed his real identity about the occupation. The forgery is not related

only to this case, but many other persons are involved. Considering the documents found in house search, prayed to reject the application.

9. Heard both the learned Counsel for the respective parties.

10. In this case, the other co-accused and the beneficiary is also released on bail. This applicant has prepared the bogus documents and it was treated as genuine. The scam of Rs.145.88 crores is disclosed during the investigation in other cases also. It appears that it is a big scam and many persons are involved in it. Though the offence is under Section 472, it is triable by the Magistrate as per the arguments of the learned Senior Counsel, 7 years punishment will be there, considering the pendency of the scam and as the names of other persons are also mentioned and the documents which are found during the house search, this is not a fit case to release the applicant on bail at this stage, Hence, the application is rejected.

(MRS. VRUSHALI V. JOSHI, J.)