



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

**CRIMINAL APPLICATION (BA) NO.892/2025**

(Manoj S/o Shrikrushna Tiwane Vs. State of Maharashtra, through Police Station Officer, Police Station, Ural, Tq. Balapur, Distt. Akola)

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

Court's or Judge's orders

Mr. S.P. Bhandarkar, Advocate for the applicant.  
 Mr. Vinod Thakare, A.P.P. for non-applicant/State.

**CORAM: MRS.VRUSHALI V. JOSHI, J.**

**DATE OF RESERVING THE ORDER: 9.9.2025.**

**DATE OF PEONOUNCING THE ORDER: 17.9.2025.**

Heard.

2. The applicant has filed this bail application being arrested in Crime No.410/2023 registered for the offence punishable under Sections 420, 465, 468, 471 and 201 of the Indian Penal Code.

3. It is the case of prosecution that on the complaint lodged by one Nishant Paraskar the crime is registered. The allegations are made that the applicant has cheated him to the tune of Rs.18,06,570/- and he induced the complainant by giving assurance that he would be appointed as an Assistant Inspector in Maharashtra Police Wireless Department. The applicant has received an amount of Rs.20,42,000/- from one Ku. Vaishnavi Waghole for appointment to similar post in Maharashtra Police. It is also alleged that one Prashant Giri was also cheated by the applicant to the tune of Rs.15,00,000/- by promising to give an appointment to his brother Swapnil in Indian Army. The applicant has prepared false documents and provided the same to the complainant and others from whom he has taken money. The financial transactions took place through Online mode and major amount was paid in cash to the applicant and others.

4. The applicant had also provided uniform to the complainant and others of the government department. During the investigation, the investigating agency has seized some forged documents, uniform as well as bank statements of the applicant.

5. Learned Advocate for the applicant has stated that as the bank statement and other documents are already seized, nothing is there to be recovered from the applicant. The charge-sheet is also filed. The investigation is complete. Therefore, no purpose would be served by keeping applicant behind the bars.

6. The learned Advocate for the applicant has relied on the judgment of the Hon'ble Apex Court in *Satender Kumar Antil V/s. Central Bureau of Investigation* reported in **(2022) 10 SCC 51** wherein the Court has made it clear that even if the allegation is one of the grave economic offence it is not a rule that bail should be denied in every case since there is no such bar created in the relevant Enactment passed by the Legislature nor does the bail jurisprudence provide so. As per the judgment of the Hon'ble Apex Court in *Vinod Bhandari V/s. State of Maharashtra* reported in **2015(11) SCC 502** the object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be passed. The detention is not supposed to be punitive or preventive. Seriousness of the allegations or the availability of the material in support thereof are not the only considerations for declining bail. Delay in commencement of trial is a factor to be taken into account and the accused cannot be kept in custody for indefinite period if trial is not likely to be concluded within reasonable time. In this case, the maximum sentence prescribed for the offence is 7 years and applicant is behind bars from almost 7 months.

7. The reliance is placed by the learned Advocate for the applicant in case of *Gudikranti Narasimulhu V/s. Public Prosecutor, High Court of Andhra Pradesh* reported in **1978 (1) SCC 240** wherein it is observed that object to keep a person in custody pending trial or disposal of an appeal is to secure the attendance of the prisoner at trial. In the present case, the applicant has deep roots in the society, there is no possibility of fleeing away from the country and not being available for the trial. Hence, prayed to release the applicant on bail.

8. The learned A.P.P. opposed the application stating that the applicant has duped many persons. He has given assurance to the needy persons. He has forged the documents and even provided uniform to the persons. Considering the role played by this applicant, application be rejected.

9. It appears from the charge-sheet that there is recovery of clothes, the uniforms which the applicant has provided to the first informant and other persons. He has forged the documents and gave the appointment letters. The applicant has relied on the judgments of this Court and Hon'ble Apex Court. I have gone through the judgments. In order of bail passed by this Court in Criminal Application (ABA) No.475/2025 (Sau. Roshani Romal Naktode V/s. State of Maharashtra and another) as mandatory provision of Section 41A of the Code of Criminal Procedure is not complied by the police, the bail is granted, which is not the case in hand. This is regular bail application. Reliance is placed on the order of this Court in case of *Chanda Deepak Kochhar V/s. Central Bureau of Investigation* reported in **2023 SCC OnLine Bom 72** which is also about same provision of Section 41A of the Code of Criminal Procedure. In case of *Satender Kumar Antil* (Supra) observations are made that in

economic offence if the investigation is completed, custody is not required and the accused can be released on bail.

10. In the case in hand it represents possible hinks in the faith of the people in the public administration and the executive. If the severity of the punishment, *prima facie*, view of the involvement of the accused is considered, with utmost respect, though the punishment is of 7 years, considering the fact that the applicant has duped many persons by giving assurance of the government job, he had provided uniform and also impersonated himself as the police person, it appears that there is, *prima facie* or reasonable ground, to believe that the applicant/accused has committed the offence and on a balance of consideration there is need for the continued custody of the accused to sub-serve the purpose of criminal justice.

11. In the recent judgment in case of *State of Rajasthan V/s. Indraj Singh Etc.* reported in **2025 SCC OnLine SC 518** the Hon'ble Apex Court has observed in paragraph No.12 as under:-

“12. The determination of whether a case is fit for the grant of bail involves the balancing of numerous factors, among which the nature of the offence, the severity of the punishment and a *prima facie* view of the involvement of the accused are important. No straitjacket formula exists for courts to assess an application for the grant or rejection of bail. At the stage of assessing whether a case is fit for the grant of bail, the court is not required to enter into a detailed analysis of the evidence on record to establish beyond reasonable doubt the commission of the crime by the accused. That is a matter for trial. However, the Court is required to examine whether there is a *prima facie* or reasonable ground to believe that the accused had committed the offence and on a balance of the considerations involved, the continued custody of the accused subserves the purpose of the criminal justice system. ....”

12. In above-said case, dummy candidates appeared in place of the

candidates in public recruitment examination conducted by Government. While canceling the bail, observations are made by the Hon'ble Apex Court in paragraph No.10 as follows:-

*10. In India, the reality is that there are far more takers of Government jobs than there are jobs available. Be that as it may, each job which has a clearly delineated entry process - with prescribed examination and/or interview process, has only to be filled in accordance thereof. Absolute scrupulousness in the process being followed instills and further rejuvenates the faith of the public in the fact that those who are truly deserving of the positions, are the ones who have deservedly been installed to Criminal Appeal No.1051 of 2025 such positions. Each act, such as the one allegedly committed by the respondents represent possible hinks in the faith of the people in the public administration and the executive."*

13. In case in hand the accused has committed an offence of forgery by way of impersonation and providing the uniform of government servant. The applicant in his written notes of arguments has raised sole inculpability of the applicant and involvement of others is mentioned. It cannot be a ground to release him on bail.

14. In view of above-said observations and considering pre-planned act of applicant to dupe persons, this is not a fit case to release the applicant on bail. Hence the application is rejected.

(MRS. VRUSHALI V. JOSHI, J.)