IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3130 OF 2026

Dipak Mohan Phad .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Priyal G. Sarda, Advocate for Applicant.
- Mr. Amit A. Palkar, APP for the Respondent – State.
- API Ajit P. Biradar, Panvel Town Police Station, present.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 18, 2026

P. C.:

1. Heard Mr. Sarda, learned Advocate for the Applicant and Mr. Palkar, learned APP for the Respondent–State.

2. By this Application, the Applicant is seeking bail in connection with CR No. 17 of 2025 registered with Panvel City Police Station, for the offences punishable under Sections 316(5), 318(4), 335, 336(1), 336(2), 337, 338, 339, 341, 178, 179, 183, 45(c), 49, 60, 238, 329,3(f), 3(6), 3(7) and 3(8) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

RAJESHRI PRAKASH AHER
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3. The Applicant before me is arraigned as Accused No.1 in the present crime. He was working as the Junior Clerk in the Panvel Court. He was arrested on 31st January, 2025, for cheating and forgery. According to the prosecution, the Applicant accepted a challan, copy of which is appended at Exhibit 251 of the Application, which was for Rs. 18,750/-, towards court fee for the purpose of obtaining Heirship Certificate in a Testamentary proceedings. According to the prosecution, this challan was a bogus challan, which came to light subsequently because the number of the said challan did not reflect the amount on the GRAS Website of the Government. Since the Applicant had accepted the challan and processed it further for the purpose of issuance of Heirship Certificate to the concerned party, the Applicant has been indicted. Though, the role of the Applicant is otherwise serve as argued by the prosecution, the prosecution has referred to and relied on rejection of the previous bail orders passed this Court, appended at page no. 23 of the Application. On reading of the said order, it is *prima facie* seen that it is the prosecution's own case that the Applicant had immediately informed the Accused No. 4, namely, Pravin Bandiwadekar, who was then his immediate office Superintendent and the superior under whom the Applicant was working. Once that is the position, the cases of the prosecution that

the Applicant and Accused No.4 have conspired in the said fraud, *prima facie* cannot be accepted, for the sole reason that the Accused No.4 has already been enlarged on bail by this Court *vide* order dated 6th May, 2025. Reading paragraph no. 6 which is the case of the prosecution reflected in the previous bail order itself, gives leeway to the Applicant to be released on bail. The Applicant, who was otherwise as a Junior Clerk, would not be expected to have a roving eye to determine whether the challan given to him was a forged challan or otherwise despite which he pointed it out to his superior. Unless the prosecution is able to show complicity of the Applicant in the conspiracy of fraud, the prosecution case cannot be countenanced at this stage. That not having been shown, the Applicant has made out a good case for grant of bail. Therefore the Application is allowed. The Applicant is, therefore, released on bail.

4. In view of the above the following order is passed:-

:: O R D E R ::

(i) Applicant is directed to be immediately released from prison in connection with Crime No. 17 of 2025;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 15,000/- (Rs. Fifteen Thousand only), with one surety of the like amount;

(iii) Applicant shall report to the Investigating Officer at Panvel City Police Station, Raigad, once every month on the first Sunday between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

5. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on

its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

6. Bail Application is allowed and disposed of in the above terms.

[MILIND N. JADHAV, J.]