

Navnath Waghmare (RA)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 544 OF 2026

Arjun Vasaram Rathod ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Shivani Gautam a/w Tanoj Joshi, Sumit Pal for the Applicant.
Mr. Mayur Sonawane APP for the State
PI Bachewad I.O., Tilaknagar Police Station, Mumbai.

CORAM: R. M. JOSHI, J.

DATED: 11th MARCH, 2026

PC:-

1. By this application, Applicant seeks regular bail in connection with C.R. No.618 of 2024 registered with Tilak Nagar Police Station, Mumbai for the offence punishable under Sections 318(4), 336(2), 336(3), 338, 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and under Sections 66(c), and 66(d) of the Information Technology Act, 2000.(for short 'IT Act')

2. It is the case of the prosecution that on the basis of information was received from one Dr. Kishan H. Pawar- (Principal) of K. J. Somaiyya College of Arts and Commerce, Mumbai that certain employees of the college including clerks and other in connivance with each other indulged in fabricating

and forging Marksheets and Leaving Certificates of the student which was used for procuring admission in 11th standard in the college for the Academic year 2024-2025. On the basis of the said information crime were registered and investigated into. During the course of the Investigation in all involvement of 10 accused was found in the crime. On conclusion of the investigation, chargsheet came to be filed.

3. Learned counsel for the applicant submits that, out of 10 accused persons about 5 are already granted bail by the Trial Court. It is her submission that applicant is arrested on 16.12.2024 and since then applicant is in jail. According to him, after conclusion of the investigation and with filing of the chargesheet, further custody of the applicant is not necessary. It is him further submission that there is no evidence on record to indicate the fabrication of documents by the applicants. In any case according to him fabrication of marksheets of leaving certificates cannot constitute an offence under Section 338 of the B.N.S., as it does not amount to forgery of valuable security. In order to support his submission he placed reliance on the judgment of Hon'ble Supreme Court in the case of ***BHAUSAHEB KALU PATIL VS. STATE OF MAHARASHTRA, (1980) 4 SCC.***

4. It is him further argued that though there are statements recorded witnesses, barring their oral version there is absolutely no material on record to show any amount being received by the applicant. Insofar as the entries in the bank account of applicant to the extent of Rs. 5 Lakh is concerned, it is submitted that the said

amount was lent by him to his colleague and it was returned. On these ground applicant seeks enlargement on bail.

5. Learned counsel for the APP, opposed the application not only on merit but also on the ground of that bail applications of similarly accused have been rejected by the Trial Court as well as this Court in this regard reference is made to the bail application order dated 30th September, 2025 bail application bearing No. 3714 of 2025. It is his submission by referring to the chargesheet that there are statements of witnesses which indicate that the applicant fabricated marksheets/ leaving certificates against receiving money from the parents of the students. It is his submission that herein this case there is more than sufficient, evidence to show his involvement in the crime. It is argued that having regard to the nature of offence this is not a fit case for grant of bail.

6. *Pirima-facie*, perusal of the record indicates that there are statements of witnesses which, show about the applicant having assured the parents of the students of admission in the college. The record further indicates that money was sought against the said work. Admissions were done and specifically it was found that false/bogus marksheets or leaving certificates were used for seeking admission of these students. The statements of the parents indicate that they provided genuine marksheets/leaving certificates to the applicant, however the college record indicates fabricated documents. Thus, there is *prima-facie* evidence to indicate the involvement of the applicant in the crime.

7. Insofar as, contention of counsel for the applicant with regard to the offence under Section 338 of the B.N.S. not to be made out for the reasons that the marksheets and leaving certificates are not valuable securities, relying upon the judgment of the Hon'ble Supreme Court in the case of ***Bhausahab Kalu Patil*** (*supra*) is concerned, in the said case the accused was charged with the offence of forging the said certificates for seeking his own admission in that case. Therefore, there was no question of any amount being involved in return for the fabrication of the said documents in the present case. However, there is evidence on record to show that for the purpose of fabrication of these documents, applicant received money from the parents of the students. In view of above said judgment could not help applicant at this stage.

8. Needless to say that, the offence is serious in nature that it has jeopardized the entire admission process for the concerned year. This act done by the employees of the college has serious consequences as not only the persons from whom money is obtained are cheated, however, the entire admission system is brought under the serious doubt. Faith of the common people gets eroded in the system on account of such incidents.

9. Having regard to the *prima-facie*, evidence against the applicant and considering nature of the offence and its gravity coupled with the fact that bail application of co-accused, who is similarly placed with the present applicant-accused, has been rejected by this Court, this Court finds no reason or justification to grant bail. Moreover this is not the case for long incarceration.

10. Hence, Bail Application No.544 of 2026 stands dismissed.

(R. M. JOSHI, J.)