

IN THE COURT OF ADDITIONAL SESSIONS JUDGE BULDHANA.  
{Presided Over by A.G. Santani}

MHBU010003812026



Criminal Bail Application No. 56/2026.  
Syed Khaja Mohiaddin.  
V/s.  
The State of Maharashtra,  
Through Police Station Buldhana (City).

APPEARANCE :

Mr. Chaitanya Deshpande, Ld. Advocate for the Applicant/the Accused.  
Mrs. Sonali Saoji - Deshpande, Ld. APP for the Non-applicant/the State.

ORDER BELOW EXHIBIT NO. 01.  
{Passed on 09.04.2026}

\*\*\*\*\*

01. The applicant/the accused filed this application for grant of anticipatory bail U/s. 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (the BNSS), in Crime No.734/2025, registered with P.S., Buldhana (City), for the offence U/s. 420, 465, 466, 468 and 471 of the Indian Penal Code, 1860 (the IPC).

02. Briefly, details of the FIR go to show that on 20.08.2025, the informant namely Swapnil Shashikant Nirale, then Police Inspector, Anti Corruption Bureau (ACB) lodged the report informing the fact that there were irregularities in the Tender Process for the Irrigation Work under the Khadakpurna Project, Deulgaon Raja, Distt. Buldhana, for the period from 04.05.2009 to 20.05.2009. More particularly, at that time, this applicant submitted forged Experience Certificates, in pre qualification process for the Contract, valued approx. at Rs.11.08 Crore. On the basis of his report, this Crime was registered. The applicant recently learnt about registration of this FIR and hence, he is apprehending his arrest. He is innocent and is not concerned with the said offences. Fundamentally, registration of this Crime is originated from the Orders of the Hon'ble Bombay High Court in P.I.L. Nos. 83/2012 and 92/2012. Accordingly, the inquiry was conducted by the ACB and the FIR was filed near about after 16 years of the alleged incident. The allegations in the FIR are primarily based on the Verification

report of the Executive Engineer, Public Works (West) Div., Aurangabad, dtd. 05.03.2022, which pointed discrepancies in the quantities mentioned in the said four Experience Certificates, submitted by this applicant in the year 2003-04, 2004-05, 2005-06 and lastly, 2006-07. However, as per the applicant, the same were so issued by the Competent Authority and that time, were accepted during the Tender Process without any objection. The applicant believed those Certificates to be accurate and further submitted the same in good faith. Thus, there was no evidence of forgery or cheating on his part. That apart, Opinion of the Expert Committee dtd. 11.08.2025 was merely advisory and it did not conclusively establish his *mens-rea* or criminal intent. More so, earlier, in Crime No.684/2025, he was granted a pre-arrest bail, by this Court on 23.09.2025, in Criminal Bail Application No.353/2025. The allegations involved are based upon documents. He is ready to abide by the conditions of bail. More so, he is entitled for bail in view of the ratios laid in the matters of Siddharam Satlingappa Mhetre Vs. State of Maharashtra, ((2011) 1 SCC 694) and Arnesh Kumar Vs. State of Bihar, ((2014) 8 SCC 273). To support his contentions, the applicant also relied upon the photocopies of the FIR, his Aadhar and PAN Cards. As per the list (Exhibit 12), he filed copy of Bail Order dtd. 23.09.2025, in Cri. B.A. No. 353/2025. Despite due service of the notice (Exhibit 8 and 10), the informant remained absent to contest this application. Contrarily, the Ld. APP objected this application, in view of her say (Exhibit 07), as the Original Work Done Certificates are to be recovered, the applicant is to be interrogated as to whether he participated in other Tender Process and he did not produce the Original Certificates, which were so forged. Being so, if released, he would pressurize the witnesses. Heard Mr. Deshpande, Ld. Advocate for the applicant and Mrs. Saoji, Ld. APP for the State. Perused the Case Diary.

03. Considering their submissions and the record, at the outset, it is to be noted that basically, in view of the Orders, passed by the Hon'ble

High Court in P.I.L. Nos. 83/2012 and 92/2012 **and** after conducting the alleged inquiry, the informant reported this incident on 20.08.2025 only. As such, during such inquiry, the deficiency, more precisely, submitting of forged Experience Certificates by the applicant in pre-qualification process for the contract worth Rs. 11.08 Crore, was transpired. The record goes to show that the said Tender Process is still to be scrutinized and its sanctity is also to be tested. Admittedly, the said Certificates were accepted by the Competent Authorities **and** it were acted upon. Additionally, at this stage, there is nothing on record to readily gather, even *prima-facie*, the alleged forgery on the applicant's part. **Notably**, there is no allegation against him regarding deficiency in completion of his assigned projects. More so, there is delay of about 16 years in the alleged incident and filing of this report. One step ahead, the offences, allegedly committed, are 'documents based' and are punishable up to 07 years. Therefore, in the ratio laid in the case of Arnesh Kumar, Supra, the Investigating Officer is duty bound to adhere to the mandate of Section 35(3) of the BNSS. Here, it would not be out of place to mention that in view of the Order dtd. 23.09.2025, passed in Cri. B.A. No. 353/2025 (arising out of Crime No.684/2025, **registered** in view of the Orders in P.I.L. Nos. 83/2012 and 92/2012), already this applicant is released on his pre-arrest bail. In the circumstances, I am of the opinion that his custodial interrogation is not warranted. Needless to mention that the object of granting anticipatory bail is to safeguard a personal liberty of the individual and to protect him from possibility of being humiliated and unnecessarily harassed by the police by taking him in custody. However, still, a delicate balance is needed to be established in between the right of personal liberty of an individual, apprehending his arrest, and the Societal interest. For this proposition, a helpful reliance may be placed on the case of P. Chidambaram Vs. Directorate of Enforcement, (AIR 2019 SC 4198). Obviously, releasing this applicant on bail wouldn't, surely, amount to his exemption to co-operate with the investigation. Consequently, taking into

account nature of the offences, allegedly committed by him, it would also be appropriate to impose adequate conditions on his release as to ensure a free, fair and full investigation of this Crime. Hence, the Order:

-: O R D E R :-

01. In the event of arrest in Crime No. 734/2025, registered with P.S., Buldhana (City) for the offences U/s. 420, 465, 466, 468, 471 of the Indian Penal Code, 1860, the applicant – Syed Khaja Mohiaddin, is hereby Ordered to be released on his executing personal bond of Rs. 50,000/ (Rs. Fifty Thousand) and on furnishing of a surety in the like amount, subject to the conditions that;

- (i). he shall attend the concerned Police Station henceforth on every 2<sup>nd</sup> and 4<sup>th</sup> Monday in between 10.00 a.m. to 12.00 O'clock noon, till filing of the Charge-sheet or passing of the further Order, whichever occurs earlier,
- (ii). he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer,
- (iii). he shall not indulge in any criminal activities in future,
- (iv). he shall submit a list of at least three blood relatives with their detail residential addresses and also the addresses of their place of work, if any, and documentary proof of showing the correctness of the details produced by them, and
- (v). he shall submit copies of at least two documents amongst the Passport, PAN Card, Aadhar Card, Ration Card, Electricity Bill or Voter Identity Card issued by the Election Commission of India.

02. In the event of breach of any condition, his bail would liable to be cancelled. Bail to be furnished before the concerned Court.

03. Inform the concerned Police Station accordingly.

04. Criminal Bail Application No. 56/2026 stands disposed of.

Buldhana.  
Dated : 09.04.2026.

{A.G. Santani}  
Addl. Sessions Judge, Buldhana.  
District : Buldhana.

**Certificate**

I affirm that the contents of this order are same word for word as per original.	
Name of Court	Additional Sessions Judge, Buldhana.
Name of Steno	Sanjay Chaudhari (Steno Grade I).
Dictated on	09.04.2026.
Transcribed on	09.04.2026.
Checked and Signed on	09.04.2026.
Uploaded on	09.04.2026.