

**ORDER BELOW EXH.1**

(Vinod Babanrao Raut + 2 Vs State of Maharashtra)

1] The present application has been filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (here-in-after referred to as “the B.N.S.S.”) for seeking regular bail in crime no.12/2026 registered by the Ramnagar Police Station for the offences punishable under sections 3(5), 336(2), 337, 318(4) and 339 of the Bharatiya Nyaya Sanhita, (here-in-after referred to as “the BNS”).

2] A perusal of the FIR, a copy of which has been filed with the list (Exh.3) will show that the same had been lodged at the instance of Sau. Rina Porate a Shop Inspector Grade-II, Wardha. In her report she stated that, while registering or renewing the applications made by the workers - specially in the construction industry, they are required to furnish a certificate about they having worked as such i.e. as a labour for 90 days. One applicant i.e. Sunil Mahadeo Upase had registered himself as a construction labour on 1-9-2018 and for the period 1-8-2020 to 1-11-2020 he had furnished the certificates issued by the contractors named Vinod Babanrao Raut and Diwakar Krushnaji Kolhe. On 1-5-2021 the applicant had made an online application for renewal - for the period 1-5-2021 to 2-8-2021. One Rohini Milind Bramhankar a resident of Borgaon (Meghe), Tah. & Dist. Wardha had also registered herself as a building and other construction labour for which she had submitted a certificate issued by one Milind Mohanrao Bramhankar. Thereafter, the fact of the persons issuing the certificates being registered contractors or not and of having the licenses/registration as per the numbers mentioned on the certificates came to be verified and the same were found to be forged and fabricated. This resulted in the lodging of the FIR and the registration of the offences against the two accused persons.

3] As per the application for the bail however, the allegations against the accused persons are false. This is because, as per their Advocate the complainant and the other witnesses whose statements have been recorded are interested witnesses and therefore, their statements will not have any evidentiary value in the eyes of law. All the accused persons, as per the application, are private civil contractors and had on the request of the persons undertaken the work of building construction. Hence, they had issued the certificates to individuals for their personal use but had never issued the same for availing the benefit of any government scheme. Hence, as per the application for bail, they does not arise any question of any of the accused persons having committed any breach of the Maharashtra Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Rules, 2007. Not only this, but it has also been contended that the FIR does not contain specific allegations of the accused persons having committed forgery for availing the benefit of any government scheme or facility. In the result, stating that the accused persons have no nexus with the crime, that the relevant documents had been seized by the police due to which the further custodial interrogation of the accused persons will not be required, their Advocate is seeking their release. Undertaking to abide by all the conditions imposed by the court and stating that the accused persons will not abscond and shall cooperate during the investigation, the Advocate for the accused persons is therefore, seeking their release.

4] The Investigating officer has filed his reply (Exh.6). After stating all the facts regarding the circumstances in which the FIR had come to be registered, it was stated that during the interrogation of the accused persons after their arrest, their certificates pertaining to they being contractors and the stamps used by them had been seized. The veracity of the said articles has also been sought to be verified by issuing letters to the concerned

departments. Further, stating that the statements of Sunil Upase and Rohini Brahmanekar – the wife of the accused no.3 Milind Brahmanekar have been recorded, it has been asserted that the forged certificates issued by the accused persons had resulted in the government sustaining losses.

5] The Investigating officer has thereafter opposed the application for bail by pointing out that the offences in question are extremely serious and the investigation may even reveal that other government documents may also have been forged. Hence, stating that the accused persons may threaten and influence the witnesses if released, that the complete information regarding the number of workers to whom the accused persons had issued the certificates are yet to be ascertained, the Investigating officer has sought the rejection of the bail application.

6] Subsequently, it is surprising to note that today when the matter was fixed for order the ld. APP again filed another reply of the Investigating officer (Exh.8). Together with the same the letter issued by the Assistant Labour Commissioner, Nagpur has also been attached pertaining to the documents of the three accused persons sent to it for verification. A perusal of the said letter will show that therein the said authority has stated that all the three accused persons had registered themselves as contractors but that they had issued the certificates when the validity of their registration certificates had completed and the applications were pending for renewal. Therefore, as per the said authority all the three accused persons had committed cheating due to which the beneficiaries of their certificates had been able to receive monetary help from the government. Resultantly, the Investigating officer in his reply (Exh.8) has again reiterated the fact of the certificates issued by the three accused persons having resulted in they committing the offences in question.

7] Heard Advocate Kashikar for the accused persons and Shri.

Ghude the ld. APP for the State. Perused the case diary. Prima facie, the material before me will show that even though Sunil Upase and Rohini Brahmanekar were aware about they not having worked as construction labours in order to receive a card regarding the same under the relevant law, they had obtained the same fraudulently. In spite of this, the Investigating officer has surprisingly only cited them as witnesses. Be that as it may, the material before me will show that a substantial part of the investigation is complete. All the three accused persons are now in Magisterial custody due to which their physical presence for the purposes of any further investigation does not appear to be necessary. Not only this, but the Investigating officer has not even alleged the fact of the accused persons having any criminal antecedents. Appropriate conditions can also be imposed upon the accused for preventing them from absconding or tampering with the prosecution evidence. In the result, I am of the view that the accused persons have been able to make out a case for grant of bail. Hence, I proceed to pass the following order.

**ORDER**

1] The applicants no.1 Vinod Babanrao Raut, no.2 Diwakar Krushnaji Kolhe, no.3 Milind Mohanrao Bhahmanekar, who are arrested in crime No.12/2026 registered by Police Station Ram Nagar, Wardha for the offences punishable under sections 3(5), 336(2), 337, 318(4) and 339 of the Bharatiya Nyaya Sanhita, 2023 be released on bail on they executing a P.R. bond of Rs.25,000/- each and furnishing one surety in the like amount on the following conditions-

- a) That they shall not seek to influence any of the prosecution witnesses in any way.
- b) That they shall furnish the details of their residence, contact number to the Investigating Officer.

- c) That they shall appear before the Investigating officer on each Friday after their release that 11.00 a.m. to 12.00 p.m. till the filing of the charge-sheet.
- d) That they shall furnish the details of three of their blood relatives along with the necessary documents regarding their identification and address.

Date : 16.03.2026

(Ms. S.J. Ansari)  
Addl. Sessions Judge, Wardha.

**Certificate**

"I affirm that the contents of the P.D.F. File order are same word for word as per original order.

S.V. Dakhane,  
Stenographer G-1