



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc. Bail Application No. 9502/2024

Banshi Lal S/o Sh. Poonamchand, Age- 51 years, R/O Kagdar
Bhatiya, Police Station Rishabhdev, District Udaipur (Raj.)

-----Petitioner

Versus

State of Rajasthan through PP

-----Respondent

For Petitioner(s) : Mr. Pradeep Shah with
Mr. Balveer Singh Rathore.
For Respondent(s) : Mr. Ramesh Dewasi, PP with
Mr. Om Prakash Choudhary.

HON'BLE MR. JUSTICE RAJENDRA PRAKASH SONI

Order

REPORTABLE

18/09/2024

1. This is an anticipatory bail moved on behalf of the applicant in relation to F.I.R. No. 117/2023 of Police Station Parsad, District Udaipur, registered for the offences punishable under Sections 420, 467 and 468 of Indian Penal Code.
2. Learned counsel representing the petitioner vehemently urged that disputed documents were neither created by the petitioner nor used by him for purpose of cheating. The existence of alleged documents has neither benefited the petitioner nor caused any loss to anyone. The alleged act against the petitioner does not satisfy the ingredients of offence under Section 463 of the IPC. The investigation against the petitioner has been ongoing for more than a year. In such circumstances, there is no need for his custodial interrogation. The complainant filed present first information report solely on the verbal instructions of the District



Collector. It is further argued that petitioner is innocent person and present FIR filed against the petitioner is false and baseless. Therefore, to protect his life and liberty an order of anticipatory bail may be passed in his favour.

3. From the other side, learned Public Prosecutor for the State has strongly objected the submissions made by learned counsel for the applicant and submitted that there are serious allegations against the applicant and in absence of custodial interrogation of petitioner, investigation in this case cannot be taken to its logical conclusion. He thus, prayed that in the facts of the present case, it is expedient that anticipatory bail application be dismissed.

4. I have appreciated the submissions advanced by learned counsel for the petitioner and learned Public Prosecutor and have carefully perused the material available on record.

5. Applying the dictum and parameters to the instant case as laid down by Hon'ble the Supreme Court in the case of **Bhadresh Bipinbhai Sheth vs State Of Gujarat** reported in **(2016) 1 SCC 152** and after having heard both the sides at length and on perusal of the Case-diary as well as material on record, it appears *prima facie* that allegations against petitioner are that he, while working as a government teacher, forged various documents including fake attendance certificate, attendance register, charge report, permission letter for taking-over charge and charge hand-over certificate in his own favour as well as allegedly issued by various senior officers and purportedly signed by them.

6. In view of this Court, firstly, no government employee would prepare such fake documents in his own favour without any





purpose. The petitioner, a government employee and teacher, has *prima facie* committed a crime by creating fake documents, regardless of whether he benefited from it. As a teacher, he was trusted to act honestly and follow the rules. Making false documents has broke this trust, even if no direct advantage was gained. The act itself is considered offence and the intent to deceive is enough to establish criminal guilt. Even if the fake document doesn't seem harmful at first, it could have been misused later, which is why the law views it as an offence. The law aims to protect integrity of government operations by criminalizing the actions that could disrupt processes, create false records or lead to future abuse.

7. It is further observed that the petitioner herein is involved in a serious crime. In my view, since the case is at the threshold hence it will be practically scuttling the investigation in case the anticipatory bail is granted to the petitioner. In view of the case set up against applicant in its entirety, the allegations leveled against the applicant, this Court is of *prima facie* opinion that it is not a fit case for grant of pre-arrest bail to petitioner.

8. Resultantly, instant application for anticipatory bail is devoid of merit and accordingly dismissed.

9. Whatever discussed or observed hereinabove is only a *prima facie* view and shall not tantamount to any opinion on the merits of the case.

(RAJENDRA PRAKASH SONI),J

Mohan/-