

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2896 OF 2015.

SALIM S/O PAPA MOMIN
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Hanumant P. Jadhav, Advocate for the Applicant.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 24th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No.25/2015 registered with Police Station, Shiradhon, Taluka – Kallam, District - Osmanabad for the offences punishable under Section/s 420, 464, 467, 468, 469, 471 of the Indian Penal Code.

[2] Heard Mr. Hanumant P. Jadhav, learned counsel for the Applicant and Mrs. S.G. Chincholkar, learned Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged by Ashok Yeshwantrao Amle. He is the Village Development Officer of village Shiradhon, Taluka – Kallam, District – Osmanabad. Representation was submitted on 20th

February, 2015 to him for stopping the construction of slaughter house at Survey No.219 of village Shiradhon. First Information Report further disclosed that on 1st May, 2013 Gram Sabha of Gram Panchayat, Shiradhon, Taluka – Kallam granted a permission to start slaughter house in land Sv.No. 219 to Eloco Amparo Food Industries Limited of the present Applicant.

[4] The application for anticipatory bail is opposed by the Investigating Officer by filing detail reply. Reply would reveals that the present Applicant has forged two documents viz.

(i) No Objection Certificate of Gram Panchayat Shiradhon, Taluka – Kallam, and

(ii) Proceeding of Gram Sabha dated 1st May, 2013 stating that slaughter house to be at Survey No.210.

The extract of proceeding book of meeting dated 01/05/2013 is placed on record alongwith the reply. Item No.6 clearly shows that slaughter house is to be constructed in land Sv.No.320. The reply further disclosed that the Applicant has obtained No Objection on the basis of resolution No.6 dated 01/05/13, which shows that slaughter house should be constructed in land Sv.No.219. Reply shows that during the course of investigation, statement of Gram Sevak is recorded and he has specifically stated that he has not signed the resolution dated 01/05/13 pertaining to the construction of slaughter house in land Sv.No.219. Reply also disclosed that forged No Objection certificate was prepared by the Applicant.

[5] According to the learned counsel for the Applicant, the documents are already in custody of the Police, therefore, custodial interrogation of the Applicant is not at all required.

[6] Offence is very serious. The Applicant has prepared forged document in respect of resolution of Gram Sabha and obtained No Objection certificate and also fabricated the No Objection Certificate of Gram Panchayat to the effect that resolution is passed for permitting construction of slaughter house on Sv.No.219 and thereafter submitted those two forged and fabricated documents in Tahasil Officer, Kallam, District – Osmanabad and obtained N.A. Permission from the Tahasil Officer, Kallam on the basis of such fabricated and forged documents for the construction of slaughter house and has started the construction in Sv.No.219. Further the investigation is at very primary stage. Thus, custody of the Applicant is absolute. Hence, I pass the following order :-

ORDER

Criminal Application is rejected.

(V.M. DESHPANDE, J.)