

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1764 OF 2016

- 1] Arjun S/o Laxman Boinwad
Age 26 years, Occu.: Service,
R/o Bodhadi (BK), Tq. Kinwat
- 2] Nivrati S/o Kondiba Totewad,
Age 28 years, Occu.: Service,
R/o Savri, Tq. Kinwat,
Dist. Nanded .. Applicants

Vs.

The State of Maharashtra
Through P.S. Kinwat,
Tq. Kinwat, Dist. : Nanded .. Respondent

.....

Mr. Ganesh P. Shinde, Advocate for the applicants
Smt. R.P. Gour, APP for the respondent-State

.....

CORAM : N.W. SAMBRE, J.
DATED : 09/06/2016

ORAL ORDER :

Heard.

2. The applicants are seeking pre-arrest bail in Crime no. 11 of 2016 registered at Kinwat Police Station, Dist. Nanded for the offences punishable under section 420, 468, 471, 476 r/w. 34 of the Indian Penal Code.

3. The prosecution case as against the present applicants is that one B.K. Gaikwad, an Research Assistant working with the Scheduled Tribe Scrutiny Committee, Aurangabad lodged an FIR alleging that one Ankush Rekhewad and Gajanan Somewad have produced forged caste validity certificates claiming to be belonging to Mahadeo Koli scheduled tribe. During investigation of the said crime, Investigating Officer, pursuant to the statement of the said accused – Ankush and Gajanan noticed that one Ramesh Boinwad is the person who is responsible for preparation of forged validity certificates.

4. It is then during interrogation of said Ramesh, he has stated that present applicants are also the beneficiaries of forged caste validity certificates.

5. While trying to make out a case for grant of pre-arrest bail, learned counsel for the applicants submits that the applicants are public

servants and applicant no.1 has secured employment on compassionate ground and not on the basis of his status as belonging to backward class category. He would then submit that being public servants, they are very much available for investigation and prosecution and will not run away from law.

6. According to him, custodial interrogation of the applicants is not necessary as the applicants have already attended the Police Station and undertake to co-operate with the investigation.

7. Learned A.P.P. opposed the application on the ground that the applicants prima face appear to be the beneficiaries of forged caste validity certificates. He has invited my attention to page 66, appointment order issued to the applicant no.1 so as to submit that applicant no.1 so also applicant no.2 have taken benefits of their status as belonging to scheduled tribe category though they are not genuine scheduled tribe.

8. Having bestowed my thoughts to the submissions advanced, it is required to be noted that it is initially from the statement of co-accused Ankush and Gajanan, name of one Ramesh Boinwad, the main convict in the present case came forward. During interrogation of said Ramesh, he has, in express terms stated to the Investigating Officer that the applicants are the beneficiaries of forged caste validity certificates. The appointment order speaks voluminous about the fact that the applicants are the beneficiaries of forged validity certificates in relation to their scheduled tribe status.

9. Applicants being public servants, are not expected to commit such forgery so as to secure public employment. Apart from above, even otherwise the fact remains that the applicants are engaged in independently getting the scheduled tribe validity certificates, which are found to be forged.

10. In view of the prima facie involvement of applicants in the crime in question being aware of their stats of not belonging to scheduled tribe but still usurping the benefits thereof by practicing fraud, in my opinion, dis-entitles them for grant of pre-arrest bail. Application fails, stands rejected.

[N.W. SAMBRE]

JUDGE

arp/-