

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2652 OF 2016

Digambar s/o Vitthalrao Dhawale,
Age: 54 years, Occ: Service,
R/o. Samatanagar, Mukhed,
Tq. Mukhed, Dist. Nanded.

...Applicant

versus

1. The State of Maharashtra.
2. The Police Inspector,
Police Station Mukhed,
Tq. Mukhed, Dist. Nanded.

...Respondents

WITH

**CRIMINAL APPLICATION NO. 2676 OF 2016
IN
CRIMINAL APPLICATION NO. 2652 OF 2016**

Anil s/o Vitthalrao Kolhe,
Age: 54 years, Occ: Service,
R/o. Jamb (Bk), Tq. Mukhed,
Dist. Nanded.

...Applicant

versus

1. Digambar s/o Vitthalrao Dhawale,
Age: 54 years, Occ: Service,
R/o. Samatanagar, Mukhed,
Tq. Mukhed, Dist. Nanded.
2. The State of Maharashtra.
3. The Police Inspector,
Police Station Mukhed,
Tq. Mukhed, Dist. Nanded.

...Applicant

...Respondents

.....

Mr. R.D. Biradar, Advocate for applicant in Criminal
Application No. 2652/2016 and for respondent No.1 in
Criminal Application No. 2676/2016
Mr. S.D. Ghayal, A.P.P. for respondent/State
Mr. V.D. Gunale, Advocate to assist A.P.P.

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CORAM : N.W. SAMBRE, J.

DATE : 7th JUNE, 2016

ORAL ORDER :

For the reasons stated in Criminal Application No.2676 of 2016 seeking permission to assist learned A.P.P. stands allowed.

2. Heard respective Counsel.

3. The applicant is seeking pre-arrest bail in Crime No. 93 of 2016 registered at Mukhed Police Station, District Nanded, for an offence punishable under Sections 468 and 471 of the Indian Penal Code.

4. The applicant is working as assistant teacher and in the first information report, it is claimed that the applicant has issued incorrect certificate certifying that the student Babusing Shitalsing Thakur belongs to *Rajput Bhamta* though from admission register, entry could be as that of only *Rajput*.

5. While trying to make out case for grant of bail, Mr. Biradar, learned Counsel for the applicant made following submissions.

(a) On the date of certificate, the head master, who happens to be Secretary of the institution must present in the school.

(b) That the applicant is on the verge of retirement and was in conflict with the management as he has lodged claim for the post of head master.

(c) The certificate was not at all issued by the present applicant.

6. Learned A.P.P. submits that whether certificate is issued by the applicant or not could be gone into only after investigation and report of hand writing expert.

7. Learned A.P.P. assisted by Mr. Gunale, learned Counsel for the complainant was also heard at length.

8. *Prima facie* it is required to be noted that the certificate as is issued certifying that the student belongs to *Rajput Bhamta* is formed to be a basis for registering the first information report in the present case.

9. If the signature on the said certificate is verified with that of signature of the applicant on the verification in the present application taking recourse to the provisions of Section 73 of the Indian Evidence Act, it could be noted that the signature would not match with that of present applicant.

10. Apart from above fact, the present case involves documentary evidence which is already available to the investigating agency. The applicant herein undertakes to co-operate with the Investigating Officer, who is at the fag end of his service career. The applicant being public servant, in my opinion, since available for investigation, is entitled for protection. Hence, the following order.

(i) In the event of arrest, the applicant be released on bail, in connection with Crime No.93 of 2016 registered at Mukhed Police Station, District Nanded, for an offence punishable under Sections 468 and 471 of the Indian Penal Code, upon furnishing P.R. bond of Rs. 15,000/- with one surety in the like amount.

(ii) The applicant shall attend the concerned police station on 11th and 12th June, 2016 between 10-00 a.m. and 12-00 noon and thereafter as and when called by the Investigating Officer.

11. Criminal Application No. 2652 of 2016 stands allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/07.06.16