

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

Criminal Application No. 4243 of 2016

District : Aurangabad

Babasaheb s/o. Punjaram Mugdal,
Age : 40 years,
Occupation : Agriculture,
R/o. Kolghar,
Taluka & District : Aurangabad. .. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
City Chowk Police Station,
Aurangabad,
District : Aurangabad. .. Respondent.

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Mr. S.S. Thombre, Advocate, for the applicant.

*Mr. S.B. Yawalkar, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 16TH AUGUST 2016

ORAL ORDER:

The applicant / accused in Crime No. 175/2016, registered with City Chowk Police Station [District : Aurangabad], at the instance of Vilas s/o. Kashinath Vyawahare, Record Keeper in Tahsil office at Aurangabad, for offences punishable under

Sections 420, 465, 468, 471 and 473 of the Indian Penal Code, by this application is praying for releasing him on bail.

2. Heard the learned Counsel for the applicant / accused. He argued that the crime in question came to be lodged at the instance of the political opponent of the present applicant, who had contested the election of the Agricultural Produce Market Committee, Aurangabad.

3. The learned Addl. Public Prosecutor opposed the application by contending that the record of investigation do show that the certificate showing that the present applicant belong to economical weaker section was never issued by the Tahsil office of Aurangabad. The applicant had used forged certificate for contesting election of the Agricultural Produce Market Committee, Aurangabad, which has ultimately resulted in registration of the crime.

4. Perused the papers of investigation including the FIR. According to the prosecution case, the certificate showing that the applicant is from economically weaker section, which is relied by him for contesting the election of Agricultural Produce Market Committee, was never issued by the Tahsil office. The applicant had forged that

document by preparing forged seal of the Tahsil office and used it as a genuine document for contesting the election.

5. Be that as it may, now the applicant is in Magisterial Custody Remand. The crime in question is based on documentary evidence. The investigating, so far as the present applicant is concerned, appears to be on the verge of completion.

6. In such circumstances, further pre-trial detention of the present applicant is not warranted. Hence, the order :-

(i) The applicant / accused in Crime No. 175/2016, registered with City Chowk Police Station [District : Aurangabad], for offences punishable under Sections 420, 465, 468, 471 and 473 of the Indian Penal Code, be released on bail, on his furnishing P.R. Bond in the sum of Rs. 15,000/- and sureties in the like amount

(ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(iii) The applicant shall not tamper with the

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prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial.

7. The application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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