

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

8 CRIMINAL APPLICATION NO. 4440 OF 2016

JAYRAM MARUTI BULE

VERSUS

THE STATE OF MAHARASHTRA.

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Mr. V.D.Sapkal h/f Mr. G.J.Pahilwan,
Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 25th AUGUST, 2016

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PER COURT :

1. Applicant, who is peon working in the Record section of Aurangabad Municipal Corporation is accused in Crime No. 315/2016 registered at City Chowk police station, Aurangabad for the offences punishable U/ss 420,468,471 of the Indian Penal Code, by this application is praying for bail.

2. Heard learned counsel appearing for the applicant as well as learned A.P.P. Perused the record made available including F.I.R. lodged by Sanjay Baburao Jakkal, in-charge

Establishment Officer of the Municipal Corporation, Aurangabad.

3. Case of the prosecution is to the effect that on 13/09/2015, 2 birth certificates bearing Nos. 28587 and 28594 were cancelled. However, Corporator viz. Firoz Moinoddin Khan had lodged complaint that forged birth certificates bearing above numbers are being used. According to the prosecution case, on one birth certificate, birth of Yozeb Khan is recorded while on another cancelled certificate, birth of Hanan Khan is recorded. This, according to the prosecution, is done by the present applicant as he was working as peon in the record section and it was his duty to preserve the record.

4. Upon being asked, learned A.P.P. is unable to point out any punishable offence against present applicant and as to why other employees, if any, working in the Record section are not held responsible for this act.

5. Be that as it may, considering the nature of allegations and as the applicant is now in M.C.R., his further detention is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) Applicant Jayram s/o Maruti Bule in Crime No. 315/2016 registered at City Chowk police station, Aurangabad for the offences punishable U/ss 420,468,471 of the Indian Penal Code be released on bail on executing P.R.

Bond of ₹ 5,000/- [Rupees Five Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

[A.M.BADAR, J.]