

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1744 OF 2015

Shivlingavva Baburao Birajdar & Ors. ... Applicants
Vs.
The State of Maharashtra ... Respondent

ALONGWITH

CRIMINAL APPLICATION NO.1006 OF 2015

Shri Sanjay Sanganna Dhaigonde ... Applicant /
Intervener

In the Matter between

Shivlingavva Baburao Birajdar & Ors. ... Applicants
Vs.
The State of Maharashtra ... Respondent

Mr. V. V. Purwant, Adv. for the applicant in ABA.

Mr. Y.M. Nakhawa, APP for the State.

Mr. Prashant R. Suryawanshi, Adv. i/b. Suman Lengare for intervener
in APPP No.1006 of 2015.

CORAM : SMT ANUJA PRABHUDESSAI, J.

DATE : 4th January, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in Crime No.239 of 2015 registered at Mangalvedha Police Station for the offences punishable under Sections 182, 191, 192, 193, 420, 467, 468 and 471 of the IPC.

2. Heard Mr. Purwant, the learned counsel for the applicants,

Mr. Suryavanshi, the learned counsel for the intervener and Mr. Nakhawa, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records prima facie reveal that the applicant No.1 has been elected as Sarpanch of village Salghar. The intervener Sanjay Dhaigonde had raised objection about the caste certificate produced by the applicant No.1 certifying that the applicant No.1 belongs to O.B.C. The intervener / complainant had relied upon the letter dated 27th August, 2015 issued by S.D.O. stating that in view of the objection received in respect of the said certificate, the said certificate was stayed until further orders. The applicant No.2 had sought information from the office of the SDO whether there was any stay order in respect of the said caste certificate. Vide letter dated 9th September, 2015, the office of SDO informed the applicant No.2 that no such stay order was issued in respect of the caste certificate. The applicant No.2 has further informed that the letter dated 27th August, 2015 bearing Outward No. MAG/SR/849/2015 was not issued by the said office. In view of the said letter the applicant No.2 lodged the FIR dated 13th September, 2015 against Jayashree Sanjay Dhaigonde,

the wife of the intervener / complainant herein. Pursuant to the said Crime No.209 of 2015 has already been registered against the wife of the intervener / complainant for offence punishable under Sections 420, 468 and 471 of IPC. The records reveal that about a month later the intervener had lodged a private complaint against the aforesaid applicants before the learned JMFC, Mangalvedha alleging that the applicant had obtained the caste certificate on the basis of forged school leaving certificate.

4. It is to be noted that the caste certificate was not challenged by the intervener or any other authority. The question whether the school leaving certificate is forged or whether the caste certificate is obtained on the basis of forged certificate, though a matter of investigation, would not require custodial interrogation. The applicants are the permanent residents of village Salghar, Tal. Mangalvedha, Dist. Solapur and there is no possibility of the applicants absconding. Under the facts and circumstances, the applicants are entitled for anticipatory bail. Hence the application is allowed on the following terms and conditions.

1. In the event of arrest of the applicants in Crime No.239 of 2015

registered at Mangalvedha Police Station, the applicants shall be released on bail bond of Rs.25,000/- (Rupees Twenty five Thousand Only) each with one or two sureties in the like amount to the satisfaction of the JMFC, Mangalvedha.

2. The applicants shall report to investigating officer for 7 days from 10 am to 2 pm from the receipt of this order and further as and when required by the investigating officer for the purpose of the interrogation.
3. The applicants shall not tamper with the evidence or influence complainant and witnesses in any manner.
4. The applicants shall not leave Dist. Solapur till filing of the chargesheet without prior permission of JMFC, Mangalvedha.
5. The criminal application filed by intervener stands disposed of accordingly.

(ANUJA PRABHUDESSAI, J.)