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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1087 OF 2016

Parmeshwar K. Belle	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Mahadeo A. Choudhari, for the Applicant.
Mr. Arfan Sait, APP for the Respondent State.
Mr. Pathan R.D., PSI Sadar Bazar Police Station, Solapur.

CORAM : A. M. BADAR, J.

DATE : 25th JULY, 2016.

P.C. :

1. The applicant/accused, in Crime No.249 of 2016, registered with Sadar Bazar Police Station, Solapur, for offence punishable under Sections 467, 468, 471, 420 of the Indian Penal Code, by this application is praying for pre-arrest bail.
2. Heard the learned counsel for the applicant/accused. By drawing my attention to the on-line form submission, on record page No.33, the learned counsel for the applicant vehemently argued that bonafides of the present applicant are writ large from this document. The learned counsel argued that he had submitted on line application at 14.14.21 hrs on 17.10.2015, with Tribal Research & Training Institute, for

caste validity. The learned counsel further argued that in fact an employee from the office of The Tahsildar had delivered a letter addressed to the Member Secretary cum Research Officer of the Divisional Caste Scrutiny Committee, Solapur and accordingly he had reached the said letter to the said Committee at Solapur. According to the learned counsel for the applicant, the applicant was given to understand that Scheduled Tribe Caste Certificate Scrutiny Committee had established its branch office at Solapur for collecting applications and therefore, prima facie no criminality can be attributed to the present applicant.

3. The learned APP opposed the application by submitting that even caste certificate of 2004, submitted by the present applicant is found to be forged. The learned APP submitted that the acknowledgement was furnished by the applicant and the same is forged.

4. Perused the F.I.R, as well as papers of investigation. The post of Gram Panchayat Haglur was reserved for candidate belonging to the Scheduled Tribe category. Claiming to be candidate belonging to category of schedule tribe, the applicant submitted his nomination form alongwith acknowledgement issued by the Scheduled Tribe Caste Scrutiny Committee, Pune. Accordingly his nomination was accepted and he was ultimately declared elected unopposed. Subsequently F.I.R. came to be lodged on 13.5.2016 by Leena Kharat alleging that the

acknowledgement submitted by the present applicant reflecting receipt of his claim for validity by Scheduled Tribe Caste Certificate Scrutiny Committee is forged one.

5. The record of investigation shows that the acknowledgement so submitted to the Scheduled Tribe Caste Certificate Scrutiny Committee, is in fact not issued by the said Committee. At this juncture, my attention is drawn to the amended provisions of Section 10-A of the Maharashtra Village Panchayat Act, 1958 which provides that nomination form for election to the Panchayat is required to be accompanied by true copy of the application preferred by the candidate to the Scrutiny Committee of Scheduled Tribe for the validity of certificate or any other proof for having made such application to the Scrutiny Committee.

6. The learned APP argued that the acknowledgement so furnished of the Scrutiny Committee is found to be forged one. During investigation, it is found that the applicant has submitted caste certificate allegedly issued under No.MAG/SR/789/2004, by the office of the Deputy Collector on 24.8.2004. But the Investigating Officer found that the said office had never issued the said certificate bearing No.MAG/SSR/789/2004 declaring the applicant to be belonging to Koli Mahadeo to be from Scheduled Tribe category. The record of investigation as such goes to show that even caste certificate of the

present applicant, according to investigator is a forged document. In this view of the matter, no case for anticipatory bail is made out. Application is rejected.

[A. M. BADAR, J.]