

FARAD CONTINUATION SHEET

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

Criminal Application (ba) No. 431 of 2016

Shankar s/o Rajaram Margoni

v.

State of Maharashtra, thr. P.S. Asrali, Distt. Gadchiroli

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. Muhammad Ateeque Advocate for the applicant.
Mrs. M. Deshmukh, APP, for the respondent/State.

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Coram : S.B. Shukre, J.

Date : 19th JULY, 2016.

Heard learned counsel for the applicant and learned
APP for the State.

It is seen from the evidence so far collected that except for the statements of some of the witnesses there is no evidence to show that this applicant was prima facie actually involved in preparation for forged caste certificates . There is not a single witness who is stating that he has seen this applicant preparing the false caste certificates. There is not a single witness either who is coming forward with a case that he had seen this applicant forging the signature of Secretary, Gram Panchayat Takda Motala or affixing the stamp of the said Gram Panchayat in his presence. On the contrary, there is a statement of one Tirupati Bangaru Salla recorded under Section 164 of Criminal Procedure Code, which indicates that even the applicants who had submitted their forms were involved in the

case to some extent as these applicants were nagging this witness, a Gram Sevak of Tekda Motala, to issue the caste certificates to those beneficiaries as belonging to Scheduled Castes. The scheme of Ramabai Gharkul Yojna was meant for providing housing facilities to the persons belonging to Scheduled Caste category at affordable prices and the allegation is that about 60 applications were submitted under this scheme by persons who were not belonging to Scheduled Caste category and thus not eligible for availing of the benefit of the scheme. It is also alleged that all these applications were accompanied by false caste certificates. It is not in dispute that these applications are signed by the persons named therein. So, so far as signing of the applications and their submission is concerned, there is no fraud. The fraud is only about submission of false caste certificates that were annexed to these applications. But, along with the charge-sheet that has been filed in this case, no copy of the application has been filed. No investigation has been made so far to rule out the possibility that the applicants themselves did not prepare and submit the false caste certificates. As stated earlier, statement of Tirupati Salla, prima facie, shows that though some of the applicants were not eligible to apply under the scheme with their not belonging to Scheduled Caste category, they had applied with a view to obtain benefit of the scheme by committing fraud. In these circumstances, no purpose would be served by keeping the applicant behind bar for any longer period of time. Hence the order,

The application is allowed and it is directed that the applicant be released on bail on his furnishing a P.R. Bond of Rs.25,000/- together with one solvent surety in like sum on

conditions that the applicant shall regularly attend the dates fixed by the Court, shall co-operate the trial Court in expeditious disposal of the case against him and shall not tamper with the prosecution witnesses in any manner.

Application is disposed of.

Judge

/TA/

Certificate

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