

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 411 OF 2016

(Mahesh Khushalrao Bhoyar Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri M. I. Dhattrak, Advocate for the applicant.
Shri A. M. Deshpande, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.
DATED : 08 AUGUST, 2016

Heard learned Counsel for the applicant and the learned A.P.P. for the State. Perused the first information report, case diary, reply of the prosecution and the Government Circular dated 17/5/2012 to which my attention has been invited by the learned A.P.P. for the State.

The only allegation made against this applicant in the F.I.R. is that even though the well was in existence, this applicant issued attendance sheet and shown presence of labourers on the field so as to extend benefits of Mahatma Gandhi Rashtriya Gramin Rojgar Hami Yojna to the owner of the field. For such an act, custodial interrogation of the applicant would not be required. That apart, there is no allegation made against the applicant that he was involved in creating a false record.

According to the afore-stated Government Circular, primary duty of the applicant is to prepare and maintain all records and his duty does not include giving of any sanction for extension of benefits to the eligible beneficiaries under the above-said scheme. The presence of labourers on the field in question, prima facie, was owing to giving of sanction for extension of said benefits, as submitted by the learned Counsel for the applicant.

All the afore-stated circumstances would lead me to exercise discretion under Section 438 of Criminal Procedure code in favour of the applicant. The application is, therefore, allowed and the interim bail granted to the applicant by this Court on 27/6/2016 is hereby confirmed on the same conditions.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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