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

CRIMINAL APPLICATION NO.1782 OF 2016

GOVIND S/O SAMBANNA JETEWAR
AGE 45 YEARS, OCC: AGRICULTURE,
R/O DAHELI, TQ. KINWAR
DIST : NANDED. ..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA
THROUGH POLICE INSPECTOR
POLICE STATION KINWAT,
TQ. KINWAT, DIST. NANDED. ..RESPONDENT

WITH

**CRIMINAL APPLICATION NO.2387 OF 2016
IN
CRIMINAL APPLICATION NO.1782 OF 2016**

Sahebrao Bhimrao Aade,
Age: 43 years, Occ: Agri.,
R/o. Karalgaon, Tal. Mahur,
Dist. Nanded. ..APPLICANT

VERSUS

The State of Maharashtra & anr ..RESPONDENTS

Mr G.K. Thigle (Naik), Advocate for applicant in
Criminal Application No. 1782 of 2016 and
respondent No.2 in Criminal Application No. 2387 of
2016;

Mr P.S. Patil, Addl. Public Prosecutor for
respondent/State

Mr Jiwan J. Patil, Advocate to assist A.P.P.

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CORAM : N.W. SAMBRE, J.**DATE : 15th FEBRUARY, 2017****ORAL ORDER :**

For the reasons stated in Criminal Application No. 2387 of 2016 seeking permission to assist the prosecution, same stands allowed.

2. In Crime No. 20 of 2016, registered with Kinwat Police Station, District Nanded, for offence punishable under Sections 420, 468, 467, 476, 199, 200 of the Indian Penal Code, the applicant is seeking pre-arrest bail.

3. The basis for registration of crime is a complaint lodged by one Dhondiba Narayan Kokate, working as Peon in the office of Tahsildar, Kinwat, wherein he has alleged that caste certificate held by present applicant was not issued by the competent authority.

4. From the record, what could be inferred is, there is hardly any material which takes me to

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the conclusion that caste certificate even if alleged to bogus is used for gaining any personal benefit.

5. Learned Additional Public Prosecutor opposed the application on the ground that caste certificate of the applicant used for getting caste certificates of children, however, the caste certificates in favour of children were issued pursuant to the order of Division Bench of this Court in Writ Petition No. 11446 of 2015.

6. In any case, the caste certificate issued in favour of applicant is always subject to verification from which no other benefits could be drawn.

7. In the aforesaid background, I propose to pass following order : -

In the event of arrest of the applicant, in Crime No. 20 of 2016, registered with Kinwat Police Station, District Nanded, for offence punishable under Sections 420, 468, 467, 476, 199,

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200 of the Indian Penal Code, he be released on bail, on furnishing P.R. bond of Rs.15,000/- with one or two sureties in the like amount.

The applicant shall attend the Investigating Officer on 20th and 21st February, 2017 between 10.00 a.m. and 12.00 noon and thereafter as and when directed.

The applicant shall not influence the prosecution witnesses or tamper with evidence.

8. The aforesaid protection is granted in favour of the applicant in view of statement that his original caste certificate is seized by the Investigating Officer. The Investigating Officer shall forward the said caste certificate to the Caste Scrutiny Committee, who shall deal with the claim of the applicant whether he belongs to Scheduled Tribe or not, within a period of six months from receipt of such proposal from the Investigating Officer. Mr. Patil, learned Additional Public Prosecutor undertakes that original caste certificate along with other

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relevant papers in the custody of present Investigating Officer will be forwarded to the concerned Committee within a period of two weeks from today.

9. If it is found that caste certificate of the applicant is bogus and is required to be proceeded against Section 11 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of Caste Certificate Act, 2000, the applicant can be proceeded against and this protection will operate till then i.e. till decision of Committee. The applicant shall further extend all co-operation with the Investigating Officer in investigating the matter.

10. With the above observations, Criminal Application No.1782 of 2016 stands disposed of.

(N.W. SAMBRE, J.)