

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

CRIMINAL APPLICATION NO. 3084 OF 2017

Babusingh s/o Shitalsingh Thakur ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. A.V.Indrale Patil, advocate for the applicant

Mr. A.S.Shidne, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 11th JULY, 2017

O R D E R :

Heard Mr. A.V.Indrale Patil, learned counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for the respondent.

2. Informant Anil Vitthalrao Kolhe, Secretary of Niti Niketan Education Society, Jamb, Taluka Mukhed, District Nanded lodged complaint on 21.4.2016 alleging that one Digambar Dhavale, who is working as a Supervisor of the school run by

the Society has issued admission register extract of the students by showing that he is the Head Master of the said school and in the said admission register extract the caste of present applicant is shown as Rajput Bhamta instead of Rajput. It is further alleged that the said admission register extract of the applicant was forwarded to the Caste Verification Committee at Latur and the said Committee by communication informed this Court that said admission register extract is false and fabricated. On the basis of afore said allegations, offence came to be registered against Digambar Dhavale who was posing himself to be Head Master of the school.

3. Learned counsel for the applicant submits that the present applicant has no role to play. Entire allegations regarding fabrication of document are against Digambar Dhavale. Learned counsel further points out that said Digambar Dhavale has been already granted pre arrest bail in Criminal Application No. 2652 of 2016. On perusal of the said order, it appears that in para

10 therein it has been observed that present case involves documentary evidence which is already available to the investigating agency.

4. Since the allegations are about fabrication of record, such record is available either in the office of the School or in the office of the Caste Scrutiny Committee. Nowhere it is the case of the prosecution that the fabricated documents are in possession of the present applicant.

5. In view of above, I am of the opinion that the applicant can be protected from his arrest. Hence, the following order.

6. Criminal Application is allowed.

(i) In the event of his arrest, the applicant be released in connection with Crime No. 93 of 2016, registered at Mukhed police station, District Nanded on his furnishing P.R. bond of Rs. 5,000/- with one solvent surety in the like amount.

(ii) Applicant shall attend Mukhed police station once in a week i.e. on Sunday between

12.00 noon to 2.00 p.m. till filing of the charge sheet.

7. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm