

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

CRIMINAL APPLICATION (ABA) NO. 730 OF 2020

(Sachin s/o Suresh Khose ..vs.. State of Maharashtra, through PSO, Sawangi (Meghe))

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

Court's or Judge's orders

Mr. S.W. Sambre, Counsel for the applicant,
Mr. V.A. Thakre, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 22-12-2020

The applicant is apprehending arrest in Crime 379/2020 registered with Sawangi (Meghe) Police Station for offences punishable under Sections 420, 468 and 471 read with Section 34 of the Indian Penal Code.

2. It is alleged that 22 persons secured the benefit of the Government Housing Scheme under Ramai Awas Scheme which was restricted to Scheduled Castes, although none of them belonged to Scheduled Caste.

3. The version of the beneficiaries-women is that in the application preferred by the beneficiaries, the caste is correctly mentioned and it is not known as to who and at which level annexed with the application the caste certificate, which is allegedly false.

4. During the pendency of this application, fresh arrests are made. One Vitthal Ewnate, the then Gramsewak, who has since retired and one Dinesh

Dakhane, Clerk are arrested and during their interrogation, the role of the present applicant has surfaced more prominently.

5. The applicant was then the *Up-Sarpanch* of the Gram-Panchyat. According to the learned Additional Public Prosecutor Mr. V.A. Thakre, if the applicant is protected, the investigation shall stand derailed. While it is reasonably clear that the caste certificates are false, the author thereof or rather the fabricator thereof is not known and the truth would come only if the applicant is custodially interrogated.

6. Considering the material on record and the submission canvassed by the learned Additional Public Prosecutor, I am not inclined to exercise discretion in favour of the applicant.

7. The application is dismissed.

JUDGE

adgokar