

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1381 OF 2021

Shivsiddha Vitthal Bulla. ... Applicant

V/s.

State of Maharashtra. ... Respondents.

Mr. A.H.H. Ponda, Sr. Counsel i/b. Mr. Priyal G. Sarda,
advocate for applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV.

DATE : APRIL 19, 2021.

P.C.

1 Heard the learned Counsel for the applicant through video conferencing and learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973 for enlargement on bail. The applicant is arrested on 9/2/2021 in C.R. No. 129 of 2020 registered at Sadar Bazar Police Station, Solapur for the offence punishable under section 420, 467, 468, 471, 177, 120(b), read with section 34 of the Indian

Penal Code and 125(c) of People Representation Act. The name of the applicant does not appear in the FIR and it appears that his name has surfaced in the course of investigation.

3 The facts of the present case in a nutshell are as follows :

(i) One Shri Nurandswami s/o. Gurubasayya Hiremath @ Dr. Jaysiddheshwar Shivacharya Mahaswamiji had contested Loksabha Election in the year 2019 from the “reserve category” as he was in possession of the certificate classifying him as a person belonging to “Beda Jangam” He had contested election from 42 Solapur Loksabha Constituency. He had succeeded and has been declared as the member of Parliament.

(ii) On 29/2/2020 one Balasaheb Baban Sirsat, in-charge Tahasildar, Akkalkot filed a complaint alleging therein that the caste certificate of Dr. Jaysiddheshwar Shivacharya Mahaswamiji has been invalidated by the District Caste Certificate Scrutiny Committee, Solapur vide Judgment and Order dated 24/2/2020.

(iii) Dr. Jaysiddheshwar Shivacharya Mahaswamiji has filed Writ Petition (St.) No. 3889 of 2020 in this Court. The Division Bench

of this Court (Coram : K.K. Tated & Sarang V. Kotwal, JJ) had passed an order to the effect that in the eventuality, complaint is not filed by Tahasildar as per order dated 24/2/2020, Tahasildar is directed not to take steps till the next date. However, the complaint was filed on 29/2/2020. On 12th March, 2020 Division Bench has stayed the operation and implementation of the impugned order dated 24/2/2020 in Complaint No. 2 of 2019 passed by the District Caste Certificate Scrutiny Committee, Solapur. However, the investigation continued. By an order dated 26/3/2020 Dr. Jaysiddheshwar Shivacharya Mahaswamiji was granted pre-arrest bail by this Court in ABA No. 718 of 2020.

4 Learned APP submits that it is true that name of the applicant is not stated in the FIR. However, in the course of investigation, it has transpired that the certificates were prepared by Dr. Jaysiddheshwar Shivacharya Mahaswamiji with the help of present applicant and that several certificates, documents and seals of the executive magistrate are found in the house search of the present applicant and therefore, it is clear that the applicant is working as an agent for giving false and bogus certificate. It is also alleged that the

applicant had aided Dr. Jaysiddheshwar Shivacharya Mahaswamiji in obtaining a certificate as “Beda Jangam”. Learned APP submits that in the course of investigation, statements of several people have been recorded, who have claimed that they have given due consideration to the applicant to prepare forged bogus certificate as belonging to “Beda Jangam” caste.

5 In fact, the beneficiary has been protected by this Court in the nature of pre-arrest bail. The applicant is in custody since 9/2/2021. Further incarceration of the applicant is unwarranted. Hence, the application deserves to be allowed. Hence, following order is passed:

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- and one or more solvent sureties in the like amount.

(iii) The applicant shall report to Sadar Bazar Police Station, Solapur on every Monday till framing of charge.

(iv) The applicant shall not tamper with the investigation.

(v) The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)