

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

CRIMINAL APPLICATION (ABA) NO.334 OF 2020

(Smt. Rajani wd/o Arun Jagtap and others Vs. The State of Maharashtra thr. PSO PS
Sawangi (Meghe), Wardha, Tah. & Dist. Wardha)

CRIMINAL APPLICATION (ABA) NO.337 OF 2020

(Smt. Anita w/o Sunil Shinde and others Vs. The State of Maharashtra thr. PSO PS
Sawangi (Meghe), Wardha, Tah. & Dist. Wardha)

CRIMINAL APPLICATION (ABA) NO.352 OF 2020

(Sau. Aruna w/o Laxman Raut and others Vs. The State of Maharashtra thr. PSO PS
Sawangi (Meghe), Wardha, Tah. & Dist. Wardha)

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

Court's or Judge's orders.

Mr. Sachin Sambre, Advocate for Applicants.
Mr. V.A. Thakare, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 18th JANUARY, 2021.

These three applications arise from Crime 379/2020 registered at Police Station Sawangi (Meghe), Wardha for offences punishable under sections 420, 468 and 471 read with section 34 of the Indian Penal Code on the basis of the First Information Report dated 22.08.2020 lodged by Mr. Sanjay Patil, Block Development Officer.

2. Mr. Sachin Sambre submits that it is a matter of record that the applicants have correctly disclosed their caste in the application seeking benefit under the Ramai Awas Yojna, which is restricted to the Scheduled Castes.

3. Mr. Thakare, the learned Additional Public Prosecutor, who is assisted by Mr. Mahesh Rai for the whistle blower, submits that while the caste is correctly disclosed in the application, during the process, the caste certificates which are enclosed along with the applications, were found to be false and therefore, obviously fabricated.

4. These applications were heard on several occasions and adjourned for one reason or the other. In the interregnum, some arrests are effected. However, whether the caste certificates are forged and fabricated by the applicants or some other person who wanted to oblige the applicants to strengthen his vote bank, is blurred.

5. Mr. Sambre would submit that the applicants 3 and 5 Sau. Sunita Selghare and Nalu Thakare in Criminal Application (ABA) 334/2020, applicants 2 and 4 Sau. Jyoti Dhage and Indu Raut in Criminal Application (ABA) 337/2020 and applicant 7 Sau. Laxmi Darware in Criminal Application (ABA) 352/2020 shall deposit with the Zilla Parishad the amount received as benefit, within the next thirty days and other applicants shall deposit the entire amount of benefit within the next one year. This submission, which is made on instructions, is accepted as an undertaking to the Court. Notably, affidavits are filed and the liability to deposit/refund the benefit is not denied by any applicant.

6. As a condition for grant of pre-arrest protection, the applicants were directed to attend the police station, which they have done.

7. Considering that the applicants are women and hail from weak socio economic and rustic background, I am inclined to make the pre-arrest protection granted vide order dated 11.09.2020 absolute with the only modification that till the filing of the charge-sheet, the applicants shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE