

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

CRIMINAL APPLICATION (ABA) NO. 505/2021

Dnyaneshwar S/o Vithobaji Nehare Vs. State of Maharashtra

AND

CRIMINAL APPLICATION (ABA) NO. 562/2021

Shri Nitesh S/o Shriram Sonawane Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A. C. Jaltare, Advocate for applicant (ABA No. 505/2021)

Shri C. G. Barapatre, Advocate for applicant (ABA No. 562/2021)

Shri A. M. Deshpande, APP for non-applicant/State (ABA No. 505/2021)

Shri A. Kadukar, APP APP for non-applicant/State (ABA No. 562/2021)

CORAM : VINAY JOSHI, J.
DATE : 06.09. 2021.

Heard.

2. Registration of crime vide Crime No. 330/2021 with the Police Station Sitabuldi, District Nagpur for the offence punishable under Sections 120-B, 420, 465, 466, 467, 468, 469, 471 of the Indian Penal Code led both applicants to claim pre-arrest protection. Applicant – Dnyaneshwar was serving as

2

Village Development Officer in Dongartala Grampanchayat, Taluka Ramtek, District Nagpur whilst applicant – Nitesh Sonawane has contested Grampanchayat Election from reserved category. It is the prosecution case that applicant – Nitesh was elected as ‘Sarpanch’ from reserved category. As per Rules, he was required to submit the Caste Validity Certificate within the stipulated period, failing which he would be disqualified. Applicant - Nitesh has already filed proposal for verification for caste claim on 26.02.2019, on the basis of which the Scrutiny Committee has initiated inquiry and ultimately the Scrutiny Committee has rejected caste claim of applicant - Nitesh.

3. In order to save his post of ‘Sarpanch’, applicant – Nitesh procured false Caste Validity Certificate with the aid of applicant – Dyaneshwar and tendered it to the Authority. Not only that, applicant – Nitesh has filed fabricated documents to the Committee and finally caused to file his own Death Certificate to the Committee with a aim to discontinue inquiry.

3

4. Heard both sides and perused the case papers. It is the case of applicant – Dyaneshwar that he has no concerned with the fabricated Caste Validity Certificate. He has only introduced applicant – Nitesh with other two co-accused for getting Caste Validity Certificate. Likewise, it is the case of applicant - Nitesh that he paid Rs. 20,000/- to applicant – Dyaneshwar for expediting the claim of getting Caste Validity Certificate. According to him, applicant Dyaneshwar did everything and gave him fabricated Caste Validity Certificate.

5. From perusal of case papers and statement recorded before the Scrutiny Committee *prima facie* it is evident that both applicants with the help of other co-accused got prepared fabricated Caste Validity Certificate. The statement shows that applicant – Dyaneshwar was well aware about the forged document, for which he took amount of Rs. 20,000/-. The role of applicant – Nitesh is also of grave nature since despite knowledge, he procured fabricated Caste Validity Certificate for consideration to save his post of ‘Sarpanch’. It is strange to note that in calculated

4

manner, false Death Certificate of Nitesh was submitted to the Scrutiny Committee with a view to hush-up the inquiry. The copies of forged documents are produced on record. It is evident that for monetary gain, fabricated Caste Validity Certificate has been prepared. On the strength of fabricated documents, post of 'Sarpanch' is tried to be saved obviously, by deceiving rightful candidate. The matter is serious where the certificate of the Authority has been forged. Case paper *prima facie* makes out a strong case of applicants' involvement. Still other co-accused are absconding. Considering seriousness of the crime, the matter requires custodial interrogation to reach to the truth.

6. In view of above, both applicants do not deserve for pre-arrest protection. Hence, both bail applications stand rejected.

JUDGE

Gohane.