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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1352 OF 2022

Basaveshwar Kalyani Mali and Another

APPLICANTS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. V. D. Sapkal, Senior Advocate i/b Mr. S. R. Sapkal, Advocate
for the applicants

Mr. N. T. Bhagat, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th NOVEMBER, 2022

ORDER :

1. The applicants apprehend their arrest in connection with Crime No. 302 of 2022 registered with Murum Police Station, District – Osmanabad for the offence punishable under section 420, 465, 468, 469, 471, 500, 504 read with 34 of the Indian Penal Code

2. Applicant No.2 is the Sarpanch of village Yenegur and applicant No.1 is her husband. A private complaint was lodged by the informant, wherein order under section 156 (3) of the Criminal Procedure Code is passed, consequently, FIR in question is registered.

3. In short, it is alleged in the FIR that resolution No. 44, which was shown to have been passed in the meeting dated 8th March, 2022, was bogus and it was interpolated in the proceeding book. The informant was not the member of the village panchayat at the relevant time, still he is shown to be the proposer to the said resolution.

4. Heard learned Senior Advocate for the applicants and the learned Additional Public Prosecutor. Perused the investigation papers.

5. It appears from the record that applicant No.2, who is Sarpanch was present in the meeting dated 8th March, 2022, till resolutions No.1 to 32 were passed. Thereafter, the Deputy Sarpanch was made president of the meeting and before him further resolutions were shown to have been passed. Even the Deputy Sarpanch, pursuant to the notice issued by the Block Development Officer, has categorically stated that resolution No.44 was not passed, when he was presiding over the meeting. Perusal of the proceeding book clearly shows that resolution No. 44 is interpolated and added in the proceeding book, subsequently. Handwriting of resolution No.44 differs from the handwriting of earlier resolutions. The employee who has written

the proceeding book, has stated that the said resolution No.44 is not in her handwriting.

6. Learned Additional Public Prosecutor, on instructions, submits that Departmental Enquiry was held against the Gram Sevak for the said Act and his two increments are temporarily stopped.

7. Considering the attending circumstances and the investigation papers, *prima facie*, there is nothing on record to show involvement of the applicants in the alleged offence. In that view of the matter, the applicants deserve protection.

8. The application is, therefore, allowed, by confirming the interim order dated 7th October, 2022. Till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the Investigating Officer and co-operate in the investigation. The applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE