

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

CRIMINAL APPLICATION (BA) NO.1166 OF 2021

Vijay s/o Gajananrao Nikhar

Vs.

The State of Maharashtra through P.S.O. Maregaon Police Station, District Yavatmal

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

Court's or Judge's orders

Mr. S. P. Bhandarkar, Advocate for applicant.

Mr. I. J. Damle, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 21/03/2022

Heard Mr. Bhandarkar, learned counsel for the applicant and Mr. Damle, learned APP for non-applicant/State.

2. The applicant has been arraigned for the offence punishable under Sections 409, 420, 465, 468, 469 and 471 of the Indian Penal Code and Section 36(A) (B) of Maharashtra Land Revenue Code, 1960, in Crime No.327 of 2020. The FIR has been registered on 11.12.2020. The applicant is arrested on 20.02.2021. The charge-sheet has been filed on 17.05.2021.

3. Mr. Bhandarkar, learned counsel for the applicant submits, that the applicant has been falsely implicated in the complaint. There is no material on record to indicate his involvement. There is no report of any handwriting expert. The investigation is over and the applicant is entitled for bail.

4. Mr. Damle, learned APP for non-applicant/State vehemently opposes the application

and submits, that the charges against the applicant are serious. There is imminent possibility of the applicant tampering with the record as well as witnesses, if the applicant is released on bail.

5. The charge-sheet indicates that there were various complaints about irregularities and illegalities committed by the applicant even by tampering the 7/12 extracts, by manipulating the areas therein, creating bogus 7/12 extract, illegal 7/12 extracts of E-Class land, transfer of tribal land to non-tribals, creating bogus list of beneficiaries, approximately 30 in number for receipt of Government benefits to farmers affected due to untimely rains, and transferring of land of Bhudan Yadnya Mandal, as a result of which, an inquiry was directed against him by the Tahsildar, Zari – Jamani, by his order dated 27.08.2020. The committee so appointed held an inquiry and submitted a report, which indicted the applicant of having created false and fabricated documents. The applicant was also suspended from his services by the SDO, Kelapur, by an order dated 24.11.2020. It is thus apparent, that the applicant *prima facie* appears to have indulged into falsification of Government revenue records and also has indulged into creating bogus beneficiaries of Government schemes. The plea of absence of any report by a handwriting expert, is one which can be considered on merits of the trial. Though the charge-sheet has been filed, the record indicates that the applicant had committed similar offences in the past i.e. in the year 2013, for which he was suspended. However, on resumption of services in 2015, he has again indulged in

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similar offence, considering which, I am not inclined to accept the application, for bail.

The application is, therefore, rejected.

JUDGE

Sarkate