

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

44 ANTICIPATORY BAIL APPLICATION NO.468 OF 2023

Sunil Kishanrao Koknare

...Applicant

VERSUS

1. The State of Maharashtra

2. The Superintendent of Police,
Nanded.

...Respondents

...

Advocate for Applicants : Mr. S.B. Bhapkar h/f Mr.
S.B.Rakhunde

APP for Respondent-State : Mr.K.N.Lokhande

...

CORAM : R. G. AVACHAT, J.

DATE : 17.04.2023.

PER COURT :

1. Heard.

2. The applicant at the relevant time was serving as Gram Sevak of the concerned village. He is alleged to have issued a certified copy of the so called resolution No. 21, which was passed by the Gram Sabha dated 26.01.2019.

3. According to the learned APP, in the Gram Sabha

there were only 20 subjects on the agenda. Subject No. 21 had never been discussed, nor has ever been approved in the Gram Sabha. A proceeding book in this regard has been prepared, showing item No. 21 on the agenda to have been sanctioned. The subject of that resolution was to grant permission to transfer of country liquor shop from one premises to another.

4. Admittedly, the applicant was not present in the Gram Sabha held on 26.01.2019. He only issued certified copy of the resolution No. 21, since the said resolution was appearing in the original proceeding book. The signatures of the Sarpanch and the Up-Sarpanch of the village as counter signatures are on it. Only the certified copy is issued by the present applicant. Since the applicant was not knowing whether such resolution had, in fact been passed or not and he only issued certified copy of the same, as the original resolution found in the proceeding book, the Court is inclined to grant him protection. More so, the nature of the evidence is documentary. In view of the same, the application is allowed. Hence, the following order :

ORDER

- (a) The application is allowed.
- (a) In the event of arrest of the applicant, in connection with

Crime No. 115 of 2023 registered with Degloor Police Station, Tq. Degloor, District Nanded for the offences punishable under Sections 420, 465, 471 read with Section 34 of the Indian Penal Code, the applicant be released on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount on conditions that:-

- (i) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.
- (ii) The applicant shall not tamper with the prosecution evidence in any manner.

(R. G. AVACHAT)
JUDGE

mahajansb/