

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

44 ANTICIPATORY BAIL APPLICATION NO.525 OF 2023

Kisan Anandrao Khandekar

...Applicant

VERSUS

1. The State of Maharashtra

2. The Police Station Incharge Officer
Deglur, Dist. Nanded.

...Respondents

...

Advocate for Applicants : Mr.Fulfagar Anuj Ajay
APP for Respondent-State : Mr.K.N.Lokhande

...

CORAM : R. G. AVACHAT, J.

DATE : 17.04.2023.

PER COURT :

1. Heard.

2. The learned APP would submit that the First Information Report (for short "F.I.R.") has been lodged by the Block Development Officer, Panchyat Samiti, Deglur, after having made inquiry into the matter. It has been alleged that in the Gram Sabha dated 26.01.2019 there were only 20 subjects on its agenda. After the Gram Sabha was over, the proceedings of the Gram Sabha relating to item No. 21 has been forged. In

fact, item No. 21 was not on the agenda. There are statements of those who were present in the Gram Sabha to state that no such resolution in fact has been passed.

3. The alleged forged resolution pertains to the grant of 'No Objection Certificate' for shifting Country Liquor Shop, from one premise to another. It is informed that the country liquor shop was belonging to one lady Saidabai Hashanna Panhale, while the complaint was lodged by her son, who is the Assistant Commissioner of Police, Mumbai. It has also been brought to the notice of this Court that a Civil Suit is pending between them. Be that as it may. The Court is in agreement with the learned APP that the offence in fact has taken place.

4. An inquiry was made by the B.D.O. All those, who were present in the Gram Sabha, stated that there were only 20 subjects on the agenda. As such, the resolution pertaining to subject No. 21 appears to have been forged. The fact is that the offence dates back to January, 2019. Four years have passed. The nature of the evidence is documentary. The applicant before this Court is the then Up-Sarpanch of the village. He was not a party to the proceedings of the Gram Sabha. Since the

nature of the evidence is documentary and the offence has taken place way back in January 2019, this Court find that the custodial interrogation of the applicant is not warranted.

5. The order dated 12.04.2023, granting interim protection to the applicant is hereby made absolute. The application is allowed and disposed of.

(R. G. AVACHAT)
JUDGE

mahajansb/