

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

ANTICIPATORY BAIL APPLICATION NO.1101 OF 2023

SAGAR RAJENDRA MAPARI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. S. R. Sapkal

APP for Respondents: Mr. V. S. Badakh

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CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 04, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 769 of 2023 registered with Tophkhana Police Station, Dist. Ahmednagar for the offences punishable under Section 420 of the Indian Penal Code.

2. FIR is lodged by PI with allegation that Aditya submitted caste verification of caste Vani with Caste Scrutiny Committee, Ahmednagar. Enquiry was directed to be conducted by vigilance squad. In the enquiry of the committee following discrepancies were found i.e., (1) Aditya had submitted extract of Gav Namuna 14 of year 1920 of Ganpat Mahadu, which was found to have been filed in Case No. 72003/202. (ii) The said proposal was prepared and submitted by Swapnil

Ankit Mapari. With these statements, it was alleged that Gav Namuna 14, relied upon in another case, was filed in support of claim, hence, offence under Section 420 of IPC is said to have been committed.

3. Learned Counsel for the Applicant submits that there is no allegation against the Applicant of submitting any forged document as the document is relied upon is available in the Tehsil office. It is further argued that except for the scrutiny committee or person authorized by it, no other person can lodge complaint in respect of the offence connection with Section 11(1) of the The Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short '**Act of 2000**'))

4. Learned APP though opposed the application but was unable to show any evidence to connect the Application with the crime in question.

5. From first information report it does not

appear that any complaint is filed by Committee or by person authorized by it. Section 11(2) of the Act of 2000 creates bar for any Court to take cognizance of an offence punishable under Section 11, except upon complaint in writing by Scrutiny Committee or any other officer duly authorized by Committee. As far as present case is concerned, though offence is sought to be alleged under Section 420 of IPC, but the offences alleged therein are squarely covered by Act of 2000. Apart from this, there are no specific allegations against Applicant of fabricating any document.

5. Having regard to these facts, the liberty of the Applicant deserves to be protected. Hence, application is allowed by confirming order dated 10th July, 2023. Condition of attendance stands cancelled.

(R.M. JOSHI, J.)

Malani