

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 718 OF 2020

Nurandswami s/o. Gurubasayya Hiremath
@ Dr. Jaysiddhesswar Shivacharya Mahaswamiji ... Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Anoop Patil for the Applicant.
Mr. S.V. Gavand, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 30th MARCH, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.129/2020 registered with Sadar Bazaar Police Station, Solapur for offences punishable under section 11 of 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 and sections 420, 467, 468, 471 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Balasaheb Baban Shirsat, the then Acting Tahsildar, Akkalkot. The records prima facie indicate that the Applicant had contested election and complaint was filed by several persons before several authorities taking objection to the Caste Certificate submitted by the Applicant. The records reveal that the District Caste Certificate Scrutiny Committee, Solapur has rejected the Applicant's caste certificate. The authority directed the Tahasildar, Akkalkot, Solapur to file criminal complaint against the Applicant as per section 11(1)(a)(b) of the Maharashtra Scrutiny Committee Act, 2000. The records reveal that the said order is challenged before this Court in Writ Petition (St.) No.3889 of 2020. By order dated 12/03/2020, the Division Bench of this Court had stayed operation and implementation of the impugned order dated 24/02/2020 passed by the District Caste Certificate Scrutiny Committee.

4. Learned counsel for the Applicant states that the Applicant has also filed a petition being Criminal Writ Petition No.558/2021 to quash the first information report and that by order dated 11/02/2021, the Division Bench of this Court had directed the Investigating Officer not

to take any coercive action against the Applicant herein and not to file charge sheet without prior leave of the Court.

5. It is also to be noted that this Court by order dated 26/03/2020, had granted interim protection to the Applicant with directions to co-operate with the investigation. Learned counsel for the Applicant states that the Applicant has already reported to the Investigating Officer and co-operated with the investigation.

6. In the light of the aforesaid facts and circumstances, no case is made out for custodial interrogation. Hence, the interim relief granted by this Court vide order dated 26/03/2020, stands confirmed.

7. Application stands disposed of.

PREETI
H JAYANI

(SMT. ANUJA PRABHUDESSAI, J.)

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