

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 560 OF 2015

Venkat Kondiba Ekale **Applicant.**

Versus

The State of Maharashtra **Respondent.**

Mr. Anandsing Bayas, Advocate for applicant.

Mr. A.V. Deshmukh, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 5th March, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. This Court had given specific direction to the learned APP to ascertain the approximate amount which was misappropriated by using different modus operandi. Submission was made that some works were executed and the Investigating Officer has ascertained that after taking measurement, value of the actually executed work was around Rs. 1,36,399/- and that is in respect of Sinchan well (sump well). The work was of many kinds like plantation, new sump well, recharge of old well. There was also work of cement Nala Band, Panand road, the earth Nala Band and the total value of the project was around Rs. 19.22 lakh.

2. There are allegations against the applicant, who was Sarpanch of the said village that he joined hands with Gramsevak, Post-Master and other officers, created false record of the work and misappropriated the amount given for the project. There are also allegations that false job cards were made in the names of persons like Sakharam Kamble when he was dead. Similarly false job card was made in the name of Dawlu Kamble who was dead. Similarly Razzak Maulana Shaikh was dead, but in his name also job card was prepared. Job card was prepared in the name of one Sunil Kamble, who was minor and he could not have been given work under the scheme. Same thing was done in respect of Satwa Kamble. Some names were fictitious as those persons had not applied for job cards and false cards were created in their names and the amount is shown to be disbursed in their favour. Some persons come forward by saying that though their names are there in the Muster, they never worked and they had never applied for preparation of job cards.

3. As per the scheme, the list of labours is prepared by the Village Panchayat and the village Sarpanch, Gramsevak and Rozgarsevak are responsible for preparation of the said record. On the basis of information collected from them, job cards are

prepared and accounts are opened in the post office. The Sarpach is expected to identify those persons for opening the accounts in the post office. These schemes are prepared to give work to the labour force from rural area and so, the work is expected to be done mostly manually. Thus, it is not possible for Village Sarpanch to say that the aforesaid things were done by others like Gramsevak and other officers of Revenue Department only. Unless all these persons join hands, such false record cannot be prepared and there is no possibility of misappropriation.

4. The submissions made show that in the present crime till this date only Sarpanch, present applicant is arrested. The learned APP on instruction submitted that Gramsevak and Gram Rozgarsevak are absconding and they could not be arrested. This Court has already observed that unless all the persons who are from technical side and the persons from Revenue Department join hands, such misappropriation is not possible. The investigating agency is expected to do the investigation sincerely and without fear so that all the persons are booked and arrested and stolen property is recovered from them.

5. Submissions made in the case show that nothing is recovered from him. It can be said that there has been misappropriation of more than Rs. 15 lakh. In view of these circumstances, this Court holds that bail can be granted to the applicant, subject to condition of depositing of Rs. 2 lakh by him. He has been behind bars since 9.1.2015.

6. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 30,000/- (Rupees thirty thousand) with one solvent surety of like amount. He is to be released only after depositing Rs. 2,00,000/- (Rupees two lakh) by him in the crime as a property. He is not to tamper with the prosecution witnesses. He is not to commit similar offence.

[T.V. NALAWADE, J.]

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