

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2745 OF 2015
[Kalyan s/o Raibhan Shelke Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri G.P.Shinde, advocate for applicant
Shri V.H.Dighe, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 10th July, 2015

PER COURT :-

1] This is an application for anticipatory bail. The applicant is apprehending his arrest in connection with Crime No. 43 of 2015, registered with Veergaon police station, District Aurangabad, for the offences punishable under Sections 420, 467, 468, 471, 409, 406 r/w 34 of the Indian Penal Code.

2] I have heard Shri G.P.Shinde, learned counsel for applicant and Shri V.H.Dighe, learned Additional Public Prosecutor for the respondent/State.

3] The first information report is lodged by Sangita, who is Sarpanch of Grampanchayat, Panwi. The present applicant is Gramsevak of said Grampanchayat. Under the scheme known as, B.R.G.F., work for construction of cement road in the village was to be executed.

According to the first information report, one Kaduba Manaji Adhav and Sanjay Vishnu Jadhav, who are having close acquaintance with the present applicant, were granted the said work. The first information report further states that in respect of payment of their wages, two cheques were

issued, One dated 4.10.2014 vide cheque No.256825 for Rs.15,000/- was signed by the first informant in the name of Kaduba Adhav; whereas another, dated 20.10.2014 bearing cheque No.256833 for Rs.15,000/- was signed by the first informant in the name of Sanjay Vishnu Jadhav. On the said cheques, present applicant obtained the signature of first informant she being Sarpanch. However, according to the first information report, it was noticed that instead of Rs.15,000/-, Rs.1,15,000/- each has been withdrawn from the Bank by interpolation on the said negotiable instrument and thereby they have cheated the State exchequer. The first information report further states that when this fact was noticed by the first informant, it was brought to the notice of the Block Development Officer, Panchayat Samiti, Vaijapur, who after inquiry, directed the first informant to lodge the first information report.

4] According to the learned counsel Shri G.P.Shinde, present first information report against the present applicant is nothing but pressurizing tactics, in as much as the present applicant has filed certain complaints against the husband of the first informant. Further, he submitted that he has already deposited Rs.1,60,000/- under protest in the departmental inquiry that is going on against the present applicant. Therefore, he submitted that protection of anticipatory bail be given to the present applicant.

5] Learned Additional Public Prosecutor Shri V.H.Dighe strenuously urged before me that the present applicant is not entitled for the discretionary relief from this court. He submitted that from the investigation papers it is clear that the cheques which were duly issued by the first informant are interpolated by the present applicant and the beneficiaries. He has invited my attention to the cheques, which clearly show that, figure '1' is subsequently added and the said

correction is not signed by the Sarpanch first informant. Thus, cheque for Rs.15,000/- was made as if cheque was issued for Rs.1,15,000/- and thereby amounts were withdrawn.

6] There may be certain dispute of the applicant with the husband of the first informant, however, that cannot be the reason for granting anticipatory bail in favour of the present applicant, especially when the present applicant has interpolated negotiable instrument. The offence is serious one. It touches to the disbursement of the amount from the State exchequer.

7] Hence, present application deserves to be rejected and it is accordingly rejected. Interim order granted in favour of the present applicant on 29.5.2015 stands vacated.

8] Needless to mention, the observations made in this order are prima facie in nature and are restricted to this application only and the learned Judge of the court below shall not get influenced himself by the said observations while deciding the matter on merits.

(V.M.DESHPANDE, J.)

dbm/crap2745.15