

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2794 OF 2015**[Kaduba s/oManaji Adhav and another 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 applicants
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 by two applicants, since they are apprehending their 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 applicants 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. Kalyan Shelke is the 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, the present applicants, who are having close acquaintance with the Gramsevak, 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/- in the name of applicant no.1-Kaduba Adhav; whereas another, dated 20.10.2014 bearing cheque No.256833 for Rs.15,000/- in the name of applicant no.2-Sanjay Vishnu Jadhav. On the said cheques, the Gramsevak 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according to the first information report, it was noticed that instead of Rs.15,000/-, Rs.1,15,000/- each has been withdrawn from the Bank by interpolation on the said negotiable instrument and thereby they have cheated the State exchequer.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] Learned Additional Public Prosecutor Shri V.H.Dighe strenuously urged before me that the present applicants are 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 Gramsevak and the present applicants. 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.

5] The present applicants are the beneficiaries of interpolation made in the negotiable instrument. It is clear that the present applicants were legally entitled to withdraw Rs.15,000/- each, however, in connivance with the Gramsevak Kalyan Shelke, these two applicants have caused loss to the State exchequer by forging the

documents.

6] Hence, present applicants are not entitled for any discretionary relief. Accordingly, present application deserves to be rejected and it is accordingly rejected.

7] 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/crap2794.15