

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

CRIMINAL APPLICATION NO. 2866 OF 2015

Shamrao Sheshrao Ambhure

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. S.J.Salunke, Advocate for Applicant.

Mr. U.S.Mote, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 1st JULY, 2015

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PER COURT :

1. This is an application for grant of regular bail in connection with Crime No. 67/2014 registered with police station Jintoor, Dist. Parbhani for the offences punishable u/s 409,420,468,471 of the Indian Penal Code.

2. Heard Mr. S.J.Salunke, learned counsel for the applicant and Mr. U.S.Mote, learned A.P.P. for respondent – State in extenso.

3. The sum and substance of the accusations against the present applicant is that the Sarpanch and Gramsevak, who are still not apprehended, have shown bogus meeting in which present applicant is shown to have been elected as the President of Rural Water Supply and Sanitation Committee of Gram Panchayat, Kadsavangi and as such the present applicant has assumed the charge of the said post and has withdrawn the amount meant for the said Project. *Prima facie*, it does not reflect in the prosecution case that no work of either water supply or sanitation was done. The dispute is as to whether the applicant was elected to the post of President, as claimed by him, or the document through which it is said that he is elected, is bogus one.

4. F.I.R. is lodged by Achut Manohar Ambhure, who also claims to be the President of the Rural Water Supply and Sanitation Committee of Gram Panchayat, Kadsavangi. According to F.I.R., he is holding the said post since 2008.

In that context, learned counsel for the applicant invited my attention to the communication issued by the Collector, Parbhani on 13/08/2010, by which the Collector while exercising the powers u/s 37 of the Bombay Village Panchayat Act, 1958 [for short, 'said Act'], declared that from 2010 new body of the said Gram Panchayat is established. In view of the said, it could be useful to have a glance to the provisions of Section 49 of the said Act. Section 49 of the said Act deals with the village development Committee. Sub section (2) of Section 49 of the said Act shows that term of the Committee shall be co-terminus with the term of the Gram

Panchayat. In that view of the matter, when there is communication from the Collector that from 2010 new Gram Panchayat is established, *prima facie*, the statement of assertion made by the first informant in the F.I.R. that he is President since 2008, requires further consideration.

Be that as it may. Present applicant is in jail since 20/04/2015. Learned A.P.P. has submitted that the entire investigation in the present crime is over and only formality of filing of charge sheet remain to be done. In that view of the matter, present applicant needs to be released on bail.

5. Hence, I pass the following order :

- (i) Present Criminal Application is hereby allowed.
- (ii) Applicant Shamrao Sheshrao Ambhure be released on bail in connection with Crime No. 67/2014 registered with police station Jintoor, Dist. Parbhani for the offences punishable u/s 409,420,468,471 of the Indian Penal Code on he executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with two solvent sureties of like amount. Bail before the trial Court.
- (iii) Present applicant shall attend police station Jintoor once in a fortnight, preferably on every Sunday in between 3.00 – 5.00 p.m.

till the Charge is framed by the trial Court.

(iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 2866.2015