

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

CRIMINAL APPLICATION NO.3142/2015

Vinod s/o Mukund Jadhav

.. APPLICANT

Versus

The State of Maharashtra

.. RESPONDENT

...

Shri V.D.Salunke, Advocate for applicant

Smt.R.K.Ladda, APP for respondent State.

Shri H.F.Pawar h/f Shri R.B.Ade, Advocate for complainant to assist
APP.

...

CORAM : M.T.JOSHI,J.

DATED : 27TH AUGUST, 2015

ORDER :-

Heard both sides.

2] The present applicant is apprehending his arrest in connection with Crime No.30/2013 registered at Mandvi police station, Tq. Kinwat, Dist. Nanded for the offences punishable u/s. 409, 420, 467, 468, 471 r.w. 34 of IPC. and he is praying for his release on bail in the event of his arrest.

3] His earlier application bearing Criminal Application

No.6228/2014 was allowed to be withdrawn by this Court vide order dated 17/12/2014, Thereafter, present application is filed.

4] The learned counsel for the applicant Mr.V.D.Salunke submits that the superior officials of the present applicant issued direction to the applicant to deposit the amount of alleged misappropriation. He has complied with the same. In the circumstances, applicant is seeking anticipatory bail afresh.

5] On the other hand, learned APP submits that the amount misappropriated is more than the amount that is directed by superior of the applicant to deposit. The case concerns with various development works of the Gram Panchayat for which directly the fund was released. The present applicant being Gram Sevak had withdrawn amounts on various occasions in collusion with the Sarpanch without following any procedure. Thereafter, the superior had only directed return of part of the amount. She further submits that the investigation is yet to complete. Hence she opposed the application.

6] Shri Salunke, learned counsel for applicant submits that complainant was not allowing to do the work of construction. It should however, be noted that from time to time amount was withdrawn and therefore, if at all any stalling of the work was there, the applicant would have immediately deposited the whole amount without waiting for any order from his superior after a long lapse of time.

7] The complaint itself would reveal that direction of redeposit of the amount of Rs.2,50,000/- is already mentioned in the said FIR. The same was already considered by this Court earlier. In the

circumstances, there are no changes in circumstances. Considering the fact that majority of the development work of the village could not even begun due to the alleged misconduct of the present applicant who is the Gram Sevak in collusion with the Sarpanch and finding that there are no change circumstances, in my view the application cannot be allowed. Application is hereby dismissed.

(M.T.JOSHI,J.)

umg/