

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

CRIMINAL APPLICATION NO. 5513 OF 2015

TUKARAM S/O LAXMAN RATHOD
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Ms. S. P. Kakade.

APP for Respondent : Mrs. M. A. Deshpande.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 04th December, 2015.

ORAL ORDER:

. Applicant is Gram Rozgar Sevak. He seeks his enlargement on bail in the event of arrest in Crime No.92 of 2015 registered at Mantha Police Station, Taluka Mantha, District Jalna for the offences punishable under Sections 420, 406, 471 and 409 read with 34 of the Indian Penal Code.

2 Heard Ms. S. P. Kakade, learned counsel for Applicant and Mrs. M. A. Deshpande, leaned APP for State. Perused papers of investigation.

3 So far as allegations against Applicant are concerned it appears from FIR that in the years 2011-12 and 2012-13 the work under the Employment Guarantee Scheme was shown as executed and in fact no such work was carried out. It is alleged that signatures were forged, false records were created and an amount of Rs.53.28 Lacs came to be misappropriated by Applicant and other members of implementing agency.

4 Learned counsel for Applicant submitted that Sarpanch and Gram Sevak have been granted protection by this Court vide order dated 15th October, 2015 passed in Criminal Application No.5329 of 2015 and other two Accused were granted protection by the Sessions Court, Jalna vide order dated 28th September, 2015 passed in Criminal Miscellaneous Application No.816 of 2015. Learned counsel submits that role attributed to Applicant is identical to the role alleged against the co-Accused who have been already protected and on the rule of parity Applicant also be protected.

5 Per contra learned APP submitted that relevant record is yet to be seized from the Bank. Applicant played a key role in maintaining the registers and supervising the work of labourers. Learned APP submits that in view of the role attributed to Applicant

rule of parity would not apply.

6 Considering the allegations in FIR, severity of punishment for the offences alleged and since similarly placed Accused have been granted protection this Court is inclined to allow the application. Hence the following order –

ORDER

- I. Criminal Application No.5513 of 2015 is allowed.
- II. In the event of arrest of Applicant Tukaram Laxman Rathod in Crime No.92 of 2015 registered at Mantha Police Station, Taluka Mantha, District Jalna for the offences punishable under Sections 420, 406, 471 and 409 read with 34 of the Indian Penal Code, he shall be released on bail on P.R. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand Only) each.

- III. He shall attend the concerned Police Station daily initially for one week between 10:00 am and 11:00 am and thereafter as and when required by the Investigating Agency.
- IV. He shall cooperate the Investigating Agency failure to which prosecution would be at liberty to move an application for cancellation of protection.

[INDIRA K. JAIN, J.]

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