

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAILAPPLICATION NO. 101 OF 2015

1. Vijay Rajaram Pawar)
2. Ramesh Waman Pawar)
3. Minatai Dinkar Borse)..Applicants
vs.
The State of Maharashtra ... Respondent

Mr. Mahendra N. Sandhyanshiv, Advocate for the applicants
Mr.A.S.Shitole, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 4th February, 2015.

P.C.

Heard. This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No.107 of 2014 registered at Malegaon Taluka Police Station for the offences punishable under Sections 406, 420. 468, 477 read with Section 34 of Indian Penal Code.

2. It is the case of the prosecution that the Government of Maharashtra had floated a benevolent scheme for water supply to villagers and the Committee supervising the said work was named as “Jalswaraj Committee”. The Government sanctioned an amount of Rs.19,43,025/- and the amount of

Rs.2,61,298/- was to be the contribution of the villagers for the implementation of the said Scheme. The applicant No.1 in the capacity of being the Sarpanch of the village was the Chairman of the said Committee and Indubai Uttam Pawar was the Secretary of the said Committee. Applicant No.2 is the Vice-Chairman and the applicant Nos. 3 and 4 are the members of the said Committee. An audit was conducted of the functioning of the said Committee. The villagers of the said village had complained that the work is not being implemented in accordance with the procedure. The work is incomplete. The Deputy Engineer of the Panchayat Samiti, Malegaon had lodged a complaint against 26 persons on 9.5.2014 alleging therein that the amount funded by the said Scheme was misappropriated by the Chairman and the members of the Committee.

3. The applicants have approached the Sessions Court for seeking pre-arrest bail. It was alleged that there has been a misappropriation of Rs.3,05,467-. The learned counsel for the applicant submits that during the pendency of the said application before the Session Court, the applicants have deposited an amount of Rs.3,05,467/- under protest. The Deputy Engineer, who was to implement the Scheme, had been arrested and has been enlarged on bail. The learned counsel rightly submits that the Committee was to supervise the functioning of the said Committee. However the entire amount stated in the FIR has not been deposited. In view of this, custodial interrogation would not be imperative.

O R D E R

- (i) The application is allowed. In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- (ii) The applicants shall report to the concerned police station as and when called.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)