

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

CRIMINAL APPLICATION NO. 4344 OF 2016

1. Dr. Anita w/o. Pravinkumar Gavhane .. Applicants
Age. 35 years, Occ. Medical
Practitioner and Up-Sarpanch
R/o. Makani, Tq. Mukhed,
Dist. Nanded.
2. Dr. Pravinkumar s/o. Ramrao Gavhane
Age. 41 years, Occ. Medical
Practitioner, R/o. Makani,
Tq. Mukhed, Dist. Nanded.

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.N.K. Kakade, Advocate for the applicants.
Mr.S.M. Ganachari, APP for respondent/State.
Mr.G.G. Suryawanshi, Advocate for respondent No.4.

CORAM : A.M. BADAR,J.

DATED : 18.10.2016

P.C. :-

1. Applicants/accused in Crime No.114 of 2016 registered with Mukramabad Police Station, Tq. Mukhed, Dist. Nanded, for offences punishable under sections 420, 468, 471, 473 of the Indian Penal Code, by this application are seeking anticipatory bail.

2. The crime in question came to be registered on the basis of order passed by the learned J.M.F.C. under

section 156(3) of the Cr.P.C., lodged by respondent No.4 - Sarpanch of the Grampanchayat.

3. Heard learned Counsel appearing for applicants/accused. He argued that applicant No.1 is Dy. Sarpanch of the Grampanchayat and applicant No.2 is her husband. Learned Counsel further argued that a cheque of Rs.44,000/- was duly signed by respondent No.4 - Sarpanch. He further argued that the amount stated in the complaint was withdrawn under authority of the Grampanchayat.

4. As yet learned A.P.P. is not in a position to make statement in respect of disputed cheques and whether sample signatures of applicants are sent for report to the Government Handwriting Expert. Learned A.P.P. candidly admitted that there is no investigation in respect of withdrawal of Rs.3,71,100/- and Rs.2,47,000/-. Learned A.P.P. is not in a position to state whether the amount of Panchayat was spent on works of the Panchayat for which it was meant.

5. I also heard learned Counsel for the complainant. Except facts regarding allegations made in the criminal complaint, learned Counsel for the complainant is not aware of other aspects. In this

situation, liberty of both applicants will have to be protected till proper investigation of the crime in question is done by the investigator. Therefore, the order :-

O R D E R

i) The application is disposed of with directions that the interim order dated 19.08.2016 shall continue to remain in force for a further period of four months on same terms and conditions.

ii) Thereafter, both applicants shall have liberty to approach this Court again in the light of progress in the investigation.

[A.M. BADAR, J.]