

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

915 CRIMINAL APPLICATION NO. 4486 OF 2016

AYODHYA SHANKAR SHINDE

VERSUS

**THE STATE OF MAHARASHTRA
AND ANR.**

.....

Mr. A.S.More, Advocate for Applicant.

Mr. S.J.Salgare, A.P.P. for State.

.....

CORAM : A.M.BADAR, J.

DATE : 31st AUGUST, 2016

.....

PER COURT :

1. The applicant/accused in Crime No. 81/2016 registered at Osmanabad Rural police station, Dist. Osmanabad for the offences punishable U/ss 420,409,468,471 read with 34 of the Indian Penal Code at the instance of Nandkumar Bhagwan Mandge by this application is seeking pre-arrest bail.

2. Heard learned counsel for the applicant. He pointed out that list of beneficiaries of Ramai Awas Yojana was prepared on 02/03/2012 by Gram Panchayat, Alani,

whereas she had taken charge of the post of Gramsevak on 23/03/2013. As such, according to the learned counsel present applicant is no way concern with the crime in question. Learned counsel further argued that change in assessment list is done as per the provisions of the Maharashtra Village Panchayat Taxes Act and Rules, which has no bearing on the crime in question.

3. Learned A.P.P. by pointing out the change in the name of owner of the house in the assessment list prepared by Gram Panchayat and submitted that present applicant had changed name of owner of the house from Apprao to Arun. This facilitated the co-accused to take benefit of the second subsidized housing scheme.

4. Perused F.I.R. and the material made available. It is not in dispute that applicant Ayodhya had joined as Gramsevak of Alani on 23/03/2013. According to the prosecution case, as per Order dated 11/01/2011 issued by the Chief Executive Officer of the Zilla Parishad, co-accused had received benefit of ₹ 10,000/- for repairing his house as per Indira Awas Yojana for the year 2001 – 2002. It is the case of the prosecution that the same co-accused along with present applicant had cheated the State Govt. and has availed second benefit of subsidized houses in Ramai Awas Yojana. F.I.R. itself goes to show that list of beneficiaries was prepared on 02/03/2012, in which name of the present applicant was figured at Sr.No. 28. This list was then forwarded to the Chief Executive Officer and thereafter to the D.R.D.A.

Consequently, co-accused has received benefit of ₹ 1,00,000/- [Rupees One Lakh] for construction of house. Selection of the co-accused by the Gram Panchayat was on 02/03/2012, whereas present applicant had joined services as Gramsevak at Alani on 23/03/2013. As such, *prima facie*, she was having no role to induct co-accused as beneficiary of Indira Awas Yojana. Change of assessment list has no bearing with induction of the name of co-accused as beneficiary for Indira Awas Yojana.

5. In this view of the matter, liberty of the applicant needs to be protected. Hence, the following order.

(i) The application is allowed.

(ii) In the event of her arrest in Crime No. 81/2016 registered at Osmanabad Rural police station, Dist. Osmanabad for the offences punishable U/ss 420,409,468,471 read with 34 of the Indian Penal Code, applicant Ayodhya Shankar Shinde be released on bail on executing P.R. Bond of ₹ 5,000/- [Rupees Five Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence

of the prosecution.

(v) The applicant shall attend concerned police station on 11/09/2016, 18/09/2016 and 25/09/2016 in between 11.00 a.m. and 01.00 p.m. and she should co-operate the Investigating Officer in the investigation of the crime in question.

(vi) Her failure to attend police station and to co-operate the Investigating Officer will result in cancellation of order of bail.

[A.M.BADAR, J.]