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

CRIMINAL APPLICATION NO.5553 OF 2016

Baijabai Chagan Pardhi,
Age 55 years, Occu. Household,
R/o Jaynagar, Taluka Shahada,
District Nandurbar

..APPLICANT
(Orig. Accused)

VERSUS

The State of Maharashtra,
Through Sarangkhedha Police Station,
Taluka Shahada, District Nandurbar

..RESPONDENT

Mr Amol S. Sawant, Advocate for applicant;
Mr V.M. Kagne, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 18th November, 2016

ORAL ORDER :

Heard.

2. The applicant, who was Sarpanch of Grampanchayat Jaynagar for the period from 2003-08, apprehends her arrest with regard to C.R. No.42 of 2016, registered at Sarangkhedha police station, for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code and Sections 13 (1) (c), 13 (1) (d) and 13 (2) of the Prevention of Corruption Act.

3. According to the report lodged by officers of the Anti Corruption Bureau, one Ashok Mali – accused no.1 was the Upa-Sarpanch of said

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Grampanchayat in the year 2006. It is the allegation that certain land belonging to the Government was sought to be transferred in the name of Mahatma Phule Yantramag Co-operative Society Ltd., Jaynagar, in connivance with his wife. Such entry was made in form no.8 of the records maintained by the Grampanchayat. As the present applicant was Sarpanch of the Grampanchayat, it has been stated that she was also responsible for the aforesaid affairs.

4. Learned Counsel for the applicant submitted that the land in question stood transferred in favour of aforesaid society vide resolution dated 11th June, 1992 and that since then the land stands in the name of the society. In the year 1995, 'no objection certificate' was also issued by the Grampanchayat. Merely because applicant was the Sarpanch during the period 2003-08, the entry made in the year 2006-07, in form no.8, could not be held to be leading to an offence as per the first information report. It is also submitted that the main accused have already been protected by this Court vide earlier orders.

5. The application is opposed by the learned Addl. Public Prosecutor by referring to the police papers. It is submitted that earlier, the name of the owner was shown to be as the State Government, which was subsequently changed in favour of the said society when the applicant was the Sarpanch.

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6. Having perused the police papers as well as the order dated 23rd September, 2016 in Criminal Application No.4549 of 2016, I find that the present applicant would be entitled for necessary protection. This Court, while granting ad interim relief has referred to the fact that the land was allotted in the year 1992 when the applicant was not the Sarpanch and that subsequently financial assistance was also granted by the State Government.

7. Hence, for reasons mentioned in the order dated 18th October, 2016, passed in the present matter and order dated 23rd September, 2016 in Criminal Application No.4549 of 2016, the following order is passed :-

i) The application is allowed. The ad interim relief granted on 18th October, 2016 is made absolute by imposing the same terms and conditions contained in the said order.

ii) Needless to state that applicant shall co-operate with the prosecution and shall not take any steps to tamper with the evidence.

Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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