

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.79 OF 2016**

1.Shri Sarjerao Ramchandra Jagtap & Ors.	..Applicants
v/s.	
The State of Maharashtra.	..Respondent

AND

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.80 OF 2016

1.Smt. Bhagyashree Vijay Jagtap & Ors.	..Applicants
v/s.	
The State of Maharashtra.	..Respondent

Mr. J. Shekhar i/b. J. Shekhar & Co. for the applicants.
Mr. J. H. Ramugade, APP for the State. (ABA 79/2016)
Mr. R. M. Gadhvi, APP for the State. (ABA 80/2016)

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 19, 2016.**

P.C.

. These are the applications for anticipatory bail filed by the aforesaid applicants apprehending their arrest in C. R. No.222/2015 registered with Vadgaon Nimbalkar Police Station, District Pune, for offences punishable under Sections 465, 467, 471, 468, 420, 407 r/w. 34 of the IPC.

2. Heard learned Counsel for the applicants, and the learned APP for the State.

3. The records prima facie reveal that some time in the year 2007-2008m, Zilla Parishad, District Pune had sanctioned water supply scheme for Village Dhakale with sanctioned costs of Rs.38,18,567/-. As per the Government Resolution dated 2/5/2005, the implementation of the scheme was entrusted to Dhakale Grampanchayat's Gram Pani Puravtha & Swachata Samiti and Samajik Lekha Parikshan Samiti. The scheme was implemented on 1/5/2008 and the work was to be completed by 1/5/2009.

4. On 9/4/2008 the Executive Engineers Rural Water Supply Construction Division Zilla Parishad Pune had given a letter to Branch Manager Pune District Central Co-Op Bank Ltd. branch stating that all economic transactions specially all withdrawals of Gram water supply and sanctioned committees must be allowed with prior consent of the office.

5. The applicant Nos.1 to 4 were members of Gram Puravtha and Swachata Samiti Dhakle whereas Applicant no.5 to 11 was member Samajik Lekha Parikshan Samiti Dhakle and applicant no.12 was Technical Advisor of the said water supply scheme. The records reveal that several complaints were received from the villagers regarding implementation of the said scheme and the implementation

of the scheme was stopped until further orders.

6. It is alleged that a new committee was elected in the year 2010. One Mr.Satish Bhaurao Shinde had filed PIL No.167/2012 in the High Court for direction to complete the project. By order dated 10/2/2015, the Division Bench of this Court had directed Zilla Parishad, Pune to take over implementation of the Water Supply Scheme in Village Dhakale and to complete the same as expeditiously as possible and preferably within eight months from the date of the order. Zilla Parishad was also directed to take necessary steps for launching prosecution against the persons concerned who are responsible for the delay in implementing the said Water Supply Scheme. Pursuant to the said order, the aforesaid crime came to be registered.

7. The allegations against the applicants herein are that the applicants had not completed the project work within the stipulated time. The applicants are also alleged to have forged and fabricated certain documents and transferred an amount from the said scheme in their account and misappropriated the same. The allegations in the FIR which is based on audit report prima facie contains certain allegations about discrepancy in the amount paid and the balance

amount. It is however to be noticed that there are no specific averment of misappropriation against these applicants. Even otherwise FIR relates to the offence allegedly committed about some years prior to the date of the FIR. The questions arising from the FIR though need to be investigated, the same do not justify custodial interrogation. The applicants have root in the society and are not likely to abscond. Furthermore the applicants have no criminal antecedents.

8. Considering the above facts and circumstances in my considered view, the applicants are entitled for bail. Hence, the applications for anticipatory bail are granted on the following terms.

i) In the event of the arrest of the applicants in Crime No.C. R. No.222/2015 registered with Vadgaon Nimbalkar Police Station, District Pune, the applicants be released on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) each with one solvent surety in the like amount, to the satisfaction of the learned Additional Sessions Judge, Baramati.

ii) The applicants shall report to the Investigating Officer, initially for a period of 4 days from 10 a.m. to 1 p.m., from the date of receipt of the order and thereafter as and when required by the Investigating Officer for the purpose of interrogation.

iii) The applicants shall not leave Pune District till filing of the chargesheet.

(ANUJA PRABHUDESSAI, J.)