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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 320 OF 2016

Sanjay Tukaram Gaikwad		..Applicant.
Vs.		
The State of Maharashtra	..	..Respondent

Mr. Dhiraj Bansode for Applicant.
Mr. S.H. Yadav, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 22nd February 2016.

P.C.

1 The applicant apprehends arrest in CR No.I-270 of 2015 dated 28.10.2015 registered with Wada Police Station, District-Palghar under Section 409 of Indian Penal Code.

2 The FIR has been lodged by the Development Officer (Education) of Palghar Zilla Parishad. It is stated in the said FIR that, Smt. Ramabai Pardeshi, a teacher, working in the Jilla Parishad School at village Met made a complaint with Block Development Officer, Panchayat Samiti, Wada that her medical bills and salary were not deposited in her account. Pursuant to the said complaint, an enquiry was conducted. That the various

teachers from the said Centre had also made complaint against the applicant on 26.10.2015 that they did not receive their salary through the applicant. The applicant is working as an Extension Officer, Centre Incharge of the Zilla Panchayat Samiti, Wada. During the course of enquiry, it was revealed that the applicant has withdrawn an amount of Rs.9,87,000/- from account No.034/424 with Thane District Co-Operative Bank Ltd. and after withdrawing the said amount, has utilised the same for his personal benefits. In the premise, the FIR is lodged.

3 The learned Counsel for the applicant submitted that the police have already freezed the account of the applicant having an amount of Rs.3,70,000/-. That the present crime is pertaining to the documents and therefore the custody of the applicant is not necessary. He lastly submitted that the applicant is ready and willing to co-operate with the Investigating Agency and therefore he may be protected by way of pre-arrest bail.

4 It is to be noted here that the applicant is working in his capacity as an Extension Officer, Centre Incharge with Panchayat Samiti, Wada. That the amounts/salaries of the teachers were not paid to them, though the applicant had withdrawn the said amounts for payment to the teachers, has utilised for his own benefits. The modus operandi adopted by the applicant in the present crime is to be investigated, as the applicant has

defalcated the amount of the Government which was to be paid to the teachers working in the Zilla Parishad School.

5 After taking into consideration the serious allegations against the applicant and the gravity of the offence, I am of the considered opinion that this is not the fit case to grant pre-arrest bail to the applicant.

6 In view of the above, the application is dismissed.

(A.S. GADKARI,J.)