

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 414 OF 2016**

Pandurang Vithoba Kare	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Shekhar A. Ingawale for the Applicant

Mr. D. P. Adsule, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 12th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 15 of 2015 registered with the Dhabewadi Police Station, Satara, for the alleged offences punishable under Sections 409, 420, 167, 467, 468, 471 of the Indian Penal Code.

3. The first informant is Vasant Namdev Mule, an Extension Officer working with the Panchayat Samiti, Patan. According to the complainant, on 7th August, 2014, the Block Development Officer, Patan,

ordered an inquiry with regard to the misappropriation of the funds of the Gram Panchayat, Kuthre. In the course of inquiry, the complainant found that the present applicant who was working as a Gramsevak at the relevant time, had fraudulently withdrawn a sum of Rs. 4,49,421/- from the Gram Panchayat account of Satara District Central Cooperative Bank, Talmarle and Bank of Maharashtra, Talmarle. Pursuant to the same, the aforesaid complaint was lodged.

4. Learned Counsel for the applicant submits that the inquiry was initiated at the instance of the villagers of the Gram Panchayat, pursuant to a representation dated 10th June, 2016 made by the villagers. He relied on page 72 of the application to show that the allegations were made, regarding misappropriation of a sum of Rs. 4,50,000 odd as against the present applicant and the Sarpanch. He submitted that despite allegations being made against the Sarpanch, the Sarpanch has not been arraigned as an accused. He submitted that four cheques were issued in the name of Shantaram Nalawade, which are signed by the Sarpanch and the present applicant, however, the prosecution has not recorded the statement of Shantaram Nalawade to show that the said amounts were not withdrawn by

him or that the said amounts were withdrawn by the applicant. He submitted that even otherwise, investigation is complete and charge-sheet is filed and that the applicant has been in custody since 15th September, 2015.

5. Learned A.P.P opposed the bail application. He submitted that the applicant had forged the signature of the Sarpanch on the said four cheques. He submitted that there are similar two cases registered as against the applicant and that the applicant was absconding for five months after the aforesaid complaint was lodged.

6. Perused the charge-sheet. It appears that in the inquiry, which was conducted by the complainant, it was found that the applicant had misappropriated a sum of Rs. 4,50,000/- odd. It appears that two similar cases were registered as against the applicant in 2011 and 2014 when he was working as a Gramsevak. Learned Counsel for the applicant submits that in the case of 2011, another Gramsevak has accepted the liability, however, despite the same, the applicant has been made an accused and a scapegoat.

7. Be that as it may, investigation is complete and charge-sheet is filed and the possibility of trial commencing in the immediate near future is bleak. Hence, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a. m., till the conclusion of the trial;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the

Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.