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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 556 OF 2016

Anil Dattatrey Sangale & Ors.

...Applicants

Versus

State of Maharashtra

...Respondent

Mr. Umesh R. Mankapure i/b Mr. Samrat Shinde for the Applicants

Ms. Veera Shinde, A.P.P for the Respondent-State

API – Ranjeet Andhale, Wavi Police Station, Sinnar, Nasik.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th APRIL, 2016

P.C. :

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

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. I-38 of 2016 registered with the Wavi Police Station, Sinnar, Nasik, for the alleged offences punishable under Sections 406, 409 r/w 34 of the Indian Penal Code.

3. The complainant is Kailas Laxmanrao Bhadane, an Agricultural Officer of the Sinnar Panchayat Samiti. He has alleged that the Central Government had allotted funds in a scheme by name “Hariyali Pannloat Vikas Karyakram”, which was distributed village wise in Nasik District. It is stated that the first instalment of Rs. 17 lakhs odd was received by the Gram Panchayat, Kankori and was properly distributed and that an audit was also done. He has alleged that in the second instalment, which was sent by the Central Government i.e. an amount of Rs. 12 lakhs odd with interest of Rs. 4 lakhs odd, the Gram Panchayat had not done any audit and had not executed the said Scheme properly. He has stated that no audit was done and no amounts were maintained by the Gram Panchayat. According to the complainant, the Gram Sevak and Sarpanch had issued cheques to 15 persons and that out of the said persons, 11 persons have returned the amounts. It is disclosed that even the Gram Sevak had returned an amount of Rs. 4,90,000/-.

4. Learned Counsel for the applicants submits that the applicant No. 1 was the Upa-sarpanch of the said Gram Panchayat, during the relevant time, and that it was disclosed in the inquiry, that the cheques were

issued at the behest of the applicant No. 1, as he had threatened one Rajendra Namdeo Thombre to do so. As far as applicant Nos. 2 to 10 are concerned, he submitted that all of them have deposited the amounts received by them, pursuant to the said Scheme.

5. Learned APP on the instructions of the Investigating Officer, who is present in Court, does not dispute that all the applicants have deposited the amounts which were received by them, pursuant to the said scheme. He, however, submits, that the applicants are the persons who had received the said amounts, despite being ineligible to receive the same under the scheme.

6. Perused the papers. It prima-facie appears that the applicants were not eligible to receive the said amounts which were disbursed by the Gram Sevak and Sarpanch. However, it also appears that all the applicants have deposited the amounts which were received by them under the scheme.

7. Considering the aforesaid, the custody of the applicants is not

required. The applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;
- (ii) The applicants shall report to the Investigating Officer on every Saturday, between 10.00 a.m. to 12.00 noon, till the filing of the charge-sheet;
- (iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.
- (iv) The applicants shall inform their latest place of residence and mobile contact number immediately 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 applicants shall co-operate in the conduct of the trial.

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 are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.