

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

**ANTICIPATORY BAIL APPLICATION NO. 1249 OF 2016**

|                             |                        |
|-----------------------------|------------------------|
| Hanumant Ramchandra Bhosale | ... <b>Applicant.</b>  |
| <b>Versus</b>               |                        |
| The State of Maharashtra    | ... <b>Respondent.</b> |

Mr.Sumedh H. Jagtap for Applicant.  
Mr.S.S.Pednekar, Asst. Public Prosecutor for Respondent.

**CORAM     :     A.M. BADAR, J.**

**DATED     :     26<sup>TH</sup> JULY, 2016.**

**P.C. :**

1]           The applicant/accused in Crime No.122 of 2016 for the offences punishable under Sections 406, 409, 417, 420, 465, 467, 468, 471, 466 read with 34 of the Indian Penal Code (IPC) registered with Police Station Khandeshwar, Navi Mumbai, by this application is seeking pre-arrest bail.

2]           Heard the learned counsel for the applicant/accused. By drawing my attention to the First Information Report (FIR) lodged by Ranjana Vitthal Dabhade, Tribal Development Project Officer, Pen,

the learned counsel argued that the FIR itself goes to show that the entire responsibility of inspecting the implementation of the scheme was entrusted to one Mukund Solase, Junior Clerk, who was incharge of the post of Triable Development Inspector. The learned counsel argued that on the basis of certification by the incharge Triable Development Inspector, the funds were disbursed and as such the applicant is not concerned with the crime in question.

3] Perused the FIR. It is seen that the State Government has framed a scheme for welfare of young Scheduled Tribe students. As per this scheme, 95 students from Scheduled Tribe Category were to be imparted training of English Speaking. Similarly, 50 girl students from Scheduled Tribe Category were to be imparted training of garment making. Those girl students were to be provided Sewing Machines and necessary material. Fund of Rs.4,96,375/- was sanctioned for course of English speaking, Whereas fund of Rs.9,83,750/- was sanctioned for imparting training of garment making and providing Sewing Machines as well as material to girl students belonging to Scheduled Tribes. The scheme was to be

implemented by the office of the Project Director, Integrated Tribal Development Project. At the relevant time, as seen from the FIR the applicant was holding the post of the Project Officer.

4] It is seen that the FIR came to be lodged by the Schedule Tribe Development Project Officer after necessary preliminary enquiry regarding misappropriation of funds meant for this welfare scheme. It is seen from the FIR that a committee was formed for making preliminary enquiry. That committee, as seen from the FIR has submitted the report stating that the entire amount meant for welfare of Tribal students came to be misappropriated and without implementing the scheme, forged signature of alleged beneficiaries were obtained and false report regarding implementation of the scheme was submitted to the State Government. By no stretch of imagination, it can be said that all this was being done without knowledge of the present applicant as at the relevant time he was head of the office and a person responsible for implementation of this welfare scheme meant for students belonging to the Schedule Tribe Community. *Prima facie* complicity of the applicant in the crime in

question is established from the averments made in the FIR, which is on the basis of the preliminary enquiry conducted by the responsible Government Officer. The offence allegedly committed by the present applicant in connivance with co-accused is serious. Tribal students from the poor strata of the society are victims of the crime in question. They are deprived of benefits of Welfare Scheme framed by the State. Custodial interrogation of the present applicant as such is absolutely essential. Moreover recoveries are also required to be effected. No case for anticipatory bail is as such made out. The application is therefore, rejected.

**(A.M. BADAR, J.)**