

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 345 OF 2017

Rajendra s/o Ramdas Jadhav,
Age: 43 years, Occu: Service,
R/o College Road, Rahuri,
Tq. Rahuri, Dist. Ahmednagar

..APPLICANT

VERSUS

The State of Maharashtra,
Through the Police Inspector,
Ashvi Police Station, Sangamner,
Tal. Sangamner, Dist. Ahmednagar

..RESPONDENT

Mr K. N. Shermale, Advocate for applicant;
Mr S. D. Ghayal, Addl. Public Prosecutor for respondent

WITH

CRIMINAL APPLICATION NO. 563 OF 2017

Chhaya w/o Ramesh Bhosale
Age: 30 years, Occu: Household,
R/o Village-Varawandi, Tq. Sangamner,
Dist. Ahmednagar

..APPLICANT

VERSUS

The State of Maharashtra,
Through the Police Inspector,
Ashwi Police Station, Tq. Sangamner,
Dist. Ahmednagar

..RESPONDENT

Mr K. M. Gadve Patil, Advocate for applicant;
Mr S. D. Ghayal, Addl. Public Prosecutor for respondent

CORAM : N. W. SAMBRE, J.

DATE : 2nd February, 2017

(2)

ORAL ORDER

Heard.

2. By these applications under Section 438 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.I-85 of 2016, registered with Ashvi police station, Tq. Sangamner, Dist. Ahmednagar, for offences punishable under Sections 409, 420 read with Section 34 of the Indian Penal Code.

3. Applicant Rajendra Jadhav is Gramsevak (Village Development Officer) of Village Panchayat, Varawandi, whereas applicant Chhaya Bhosale is former Sarpanch, against whom defalcation/misappropriation of public funds, during the period from 19th August, 2012 to 8th April, 2014, is alleged.

4. It is not in dispute that during the course of alleged defalcation i.e. from 19th August, 2012 to 8th April, 2014, applicant Rajendra Jadhav was Gramsevak i.e. Village Development Officer, whereas applicant Chhaya Bhosale was Sarpanch from 1st September, 2010 to 31st March, 2015.

5. Upon audit of the accounts of the said Village Panchayat, it was noticed that both these applicants have misappropriated public money to the tune of Rs.25,64,855/-.

(3)

6. Applicant Rajendra Jadhav expressed his desire to deposit entire amount of alleged defalcation/misappropriation within a period of three months from today, whereas so far as applicant Chhaya Bhosale is concerned, a plea is sought to be raised that in 2014, appropriate report came to be lodged to the Police Inspector of the concerned police station and also to the higher officers.

7. Perused the contents of the first information report and other material available on record. It is required to be noted that both these applicants have signed the cheques for withdrawal of the amount of Rs.25,00,000/- in various parts. Applicant Rajendra has drawn cheques in his own name and has withdrawn cash amount without there being any such authority. No accounts of such amount being spent on some public work are maintained.

8. There is a strong *prima facie* case against the applicants about their involvement in misappropriation of public funds. No case for grant of pre-arrest bail is made out.

9. In view thereof, Criminal Applications stand rejected.

(N. W. SAMBRE, J.)

amj