

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

904 CRIMINAL APPLICATION NO. 2588 OF 2017

1. MRS. SUREKHA BHIWSAN DHOLE.
2. SANDIP JIJABRAO BAGAL. ... APPLICANTS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS. ... RESPONDENTS

...
Advocate for Applicants : Mr. Chetan T. Jadhav.
APP for Respondent No.1: Mr. A. A. Jagatkar.
...

CORAM : **K. L. WADANE, J.**
DATE : 14th June, 2017.

P.C.:

. Heard the learned counsel for Applicants and the learned APP.

2 Applicant No.1 was working as Gramsevak at village Junawane from 1st July 2011 to 24th April, 2013 and Applicant No.2 was working as Gramsevak at village Junawane from 25th May, 2013 to 22nd April, 2016.

3 The C.E.O. of the Zilla Parishad observed that the statements of witnesses are required to be taken and detail inquiry is necessary. Show cause notices were issued to the Applicants and they have submitted their explanation. In the second inquiry, in the nature of spot inspection, it was found that the trees were not found surviving and 13

toilets were found missing. Statements of relevant witnesses were not taken. For want of water facility, compound, watchman and tree guards, the trees were died.

4 Heard Mr. Jadhav, learned counsel for Applicants, who submits that maintaining of the record relating to the relevant work was with Gram Rozgar Servant. Furthermore, there are no specific allegations against the Applicants about misappropriation of the amount. The nature of the allegations is that the concerned Sarpanch instead of doing the work with labours, he has done the work with the help of JCB. The object of the scheme i.e. Mahatma Gandhi National Rural Employment Guarantee Act, 2014 is to provide the labour work to the persons. Hence, the present Applicants have committed irregularities.

5 Further it is submitted on behalf of the Applicants that the trees were planted and the work of its maintenance was with the Gram Panchayat. The learned counsel for Applicants submits that there are no specific allegations of misappropriation. There are only allegations in respect of irregularities committed by the present Applicants. The learned counsel further submits that the Applicants have already submitted the necessary documents before the investigating officer. In view of the same, I do not think that the custodial interrogation of the

Applicants is required. In such circumstances and the Applicants can be enlarged on anticipatory bail. Hence, the following order:

ORDER

- I) In the event if arrest if the Petitioners, in Crime No.130 of 2017, registered at Dhule Taluka Police Station, District Dhule for the offences punishable under Sections 406, 409, 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code and under Section 3 (A) 3 of the Maharashtra Rural Employment Act, 2014 they be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each with one surety in the like amount.
- II) Applicants shall not tamper with the evidence of prosecution in any manner and shall cooperate in further investigation.
- III) Criminal application stands disposed of.

[K. L. WADANE, J.]