

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

ANTICIPATORY BAIL APPLICATION NO.542 OF 2017

Dnyandev Ramu Madake	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

**ALONG WITH
ANTICIPATORY BAIL APPLICATION NO.587 OF 2017**

Pravin Shivaji Mane	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

**ALONG WITH
ANTICIPATORY BAIL APPLICATION NO.714 OF 2017**

Dnyandev Ramu Madake	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

Mr.Avinash M.Gokhale for the applicant in ABA Nos.542 of 2017 and 714 of 2017.

Mr.Balwant Salukhe i/by Mr.Shivaji A.Masal for the ABA No.587 of 2017.

Mr.S.V.Gavand, Additional Public Prosecutor for the respondent.

CORAM : T.V. NALAWADE, J.

DATE : 18th August 2017

P.C. :

. Anticipatory Bail Application No.542 of 2017 is filed in C.R. No.36 of 2017 registered in Jath Police Station, District Sangli for the offences punishable under Sections 420, 405, 406 etc. of the Indian Penal Code. This crime is registered in respect of execution of the work through Mahatma Gandhi Rastriya Gramin Rojar Guarantee Scheme in village Kashirlingwadi of Matinala Bandh.

2. The remaining two applications are filed in C.R. No.28 of 2017 registered in Jath Police Station, District Sangli. This crime is registered in respect of the work shown to be executed under the same scheme in village Akundi and the work was of farm pond (Shet Tale). Both the crimes are registered for the offences punishable under Sections 420, 409, 477(A), 204 read with 34 of the Indian Penal Code and even the provisions of 120B of the Indian Penal Code can be used in view of the nature of the allegations. Both the sides are heard. Papers of investigation were made available for perusal of this Court.

3. The present applicant was working as Block Development Officer and in that capacity, he was expected to supervise the aforesaid works. It is the case of the applicant Madake, who has filed Anticipatory Bail Application nos.542 of 2017 and 714 of 2017 that he was involved only in releasing the amount in respect of the project work and he was authorised to use his digital signature only from 20th August 2016. It is submitted that the amount was released from 22nd August 2016 and he was not expected to verify the record and there was no such time also to him in view of his duty list. It was submitted that the project of work was prepared and approved during the tenure of his predecessor and so he cannot be blamed for creation of false record.

4. In respect of the work of farm pond, learned counsel submitted that the blame goes to the data operator and Gram Rojgar Sevak as muster roll record was prepared by them as per the scheme. Learned counsel submitted that Koli, data operator got anticipatory bail from this Court in Anticipatory Bail Application No.462 of 2017 and so on the ground of parity, the applicant is entitled to get relief.

5. For Pravin Mane, Assistant Accountant (Applicant in Anticipatory Bail Application No.587 of 2017), it was submitted that his duty list did not involve the preparation of the project work or sanction of the amount and he was only expected to use code number given to him along with Madake for releasing the amount under the scheme. It was submitted that he was not expected to verify the things.

6. On the other hand, learned APP submitted that misappropriation could not have been done only by Gram Rojgar Sevak Gurav to whom the relief is refused by this Court while deciding the Anticipatory Bail Application No.948 of 2017.

7. The submissions made and the record show that when the irregularities were noticed, committee was appointed by the Chief Executive Officer of Zilha Parishad. It appears that before submission of the report to the Chief Executive Officer, the applicant BPO gave report against the other employees like data operator and Gram Rojgar Sevak. During the enquiry, it was noticed that Madake and also the Account Officer are very much involved in the irregularities and the offence. Further there are statements of the persons who were to get benefits and they show that the false record was created under the scheme. There was no record of village panchayat of measurement or muster roll of the labours. Thus the list of labours was falsely created and that was not created as per the procedure given under the aforesaid scheme. In respect of the bandh, it was noticed that this work was already executed as per the record in the year 2010-11 and it was not possible to do the same work and to give the amount. Enquiry showed that no such work was

actually executed but false record of project work was prepared and amount was actually disbursed. The contention of the Madake that the project prepared by the previous officer cannot be accepted as at the time of releasing the amount, it is the responsibility of that officer to see the record. If there was the record of execution of the same work of the year 2010-11, amount could not have been released.

8. Learned counsel for the Madake submitted that there was record like certificate issued by the Agricultural Officer for the project and so Madake did not undertake the verification of work. This submission is not acceptable. The said agricultural officer is also made accused. It can be said that even false accounts were opened for transferring the amount of scheme in those accounts & there are statements in that regard. Only Gram Rojgar Sevak cannot do these things. Thus there is sufficient record to make out a case that Madake and the Assistant Account Officer were also involved in the offence and due to that, the amount was released. Many such instances are noticed during the last three-four years. Even when Courts are very strict in such cases, things have not improved and the public servants like present applicants have continued to create false record of execution of work. Due to conduct of such public servants, government scheme are not giving results and the persons like farmers for whom the scheme are prepared are not getting benefits. Due to these circumstances, this Court holds that no discretionary relief can be given in favour of the present applicants. Custodial interrogation is a must in such cases. Only during the custodial interrogation, more information can be collected and more instances can be noticed of similar nature. In the result, all the three

applications are rejected. Interim relief granted by this Court is vacated. Learned counsel for the applicants requested for continuation of the interim relief. It is refused. The observations are for the purpose of present proceeding only.

T.V. NALAWADE, J.