

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 821 OF 2017**

Parvatibai Bhimaji Damase	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. A. A. Gore for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 20th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 37 of 2016 registered with the Junnar Police Station, Pune, for the alleged offences punishable under Sections 119, 403, 406, 409, 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that the applicant is the Sarpanch of Village Inglun and that the allegation against her is that she has duped the Gram Panchayat, by indulging in falsification of accounts.

He submitted that inquiry has been initiated as against the applicant and that the applicant has appeared in the said inquiry and has given her explanation. He further submits that the applicant, without prejudice to her rights and contentions, is ready to deposit 50% of the alleged misappropriated sum of Rs. 2,33,052 i.e. Rs. 1,16,000/-, with the Panchayat Samiti.

3. This Court, vide order dated 6th July, 2017, had allowed the pre-arrest bail of Sudam Dolas and Toshiba Arsule.

4. Perused the papers. It appears that the applicant was an ex-Sarpanch of Grampanchayat for Village Inglun, at the relevant time. The allegations as against the applicant and other co-accused is that they embezzled/misappropriated the money of the Grampanchayat by falsifying the accounts. Pursuant thereto, a private complaint was lodged with the Judicial Magistrate First Class, Junnar, who, vide order dated 5th February, 2016, was pleased to pass an order under Section 156(3) of the Cr. P. C, pursuant to which, the aforesaid FIR was registered. It appears that the Panchayat Samiti, Junnar had appointed two Officers to inquire into the

alleged misappropriation. The final report has been submitted by the Panchayat Samiti and the liabilities have been fixed *qua* the accused.

7. Learned Counsel for the applicant disputes that the applicant had embezzled any amount. He further submits that the applicant, however, without prejudice to her rights and contentions, is ready to deposit Rs. 1,16,000/- with the Panchayat Samiti, within three months from today. The said statement is accepted. The applicant is permitted to deposit the said amount in tranches as and when it is possible for the applicant to deposit the amounts. It is made clear that the said amount will be deposited by the applicant, without prejudice to her rights and contentions.

8. In view of the aforesaid, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called;

9. The application is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.