

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 892 OF 2017**

Sudam Budha Dolas	...Applicant
Versus	
State of Maharashtra	...Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 931 OF 2017**

Toshiba Kumar Arsule	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. U. B. Nighot for the Applicant in ABA/892/17

Mr. Vinayak V. Katti for the Applicant in ABA/931/17

Mr. S. R. Agarkar, A.P.P for the Respondent-State in ABA/892/17

Mr. Rajan Salvi, A.P.P for the Respondent-State in ABA/931/17

PC Mr. Devidas Shrirang Khedkar from Junnar Police Station, Pune (Rural)
is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 6th JULY, 2017

P.C.

1. Heard learned Counsel for the parties.

2. By these applications, the applicants seek 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, 468, 471 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant-Sudam Budha Dolas submits that the applicant was an ex-Sarpanch of Grampanchayat for Village Inglun, during the period 2006 to July, 2011. He submits that the allegations as against the applicant is that he misappropriated a sum of Rs. 308/-. Learned Counsel states that without prejudice to the rights and contentions of the applicant, the applicant is ready to deposit the said sum of Rs. 308/- with the Panchayat Samiti.

4. Learned Counsel for the applicant-Toshiba Kumar Arsule, submits that the applicant was a Gram Sevika/Village Development Officer for Village Inglun, during the period 2009 to 2012. He submits that the applicant has already deposited an amount of Rs. 2,23,000/- with the Grampanchayat.

5. Learned A.P.P Mr. Salvi, does not dispute the fact that the applicant-Toshiba Arsule has deposited the said amount of Rs. 2,23,000/- with the Grampanchayat.

6. Perused the papers. Learned Counsel for the applicants submit that the applicant-Sudam Budha Dolas was an ex-Sarpanch of Grampanchayat, Village Inglun, during the period 2006 to 2011, whereas, the applicant-Toshiba Kumar Arsule was a Gram Sevika/Village Development Officer of the Village Inglun, during the period 2009 to 2012. It appears that the allegations are that the applicants 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 also 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 on the applicants.

7. As far as applicant-Sudam Dolas is concerned, the allegation is that he misappropriated a sum of Rs. 308/-. The applicant is ready to deposit the said amount with the Panchayat Samiti without prejudice to his rights and contentions. As far as applicant-Toshiba Arsule is concerned, she has already deposited the said amount of Rs. 2,23,000/-.

8. In view of the aforesaid, the applications are allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

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

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

9. The applications are accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding these applications.
11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.