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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.948 OF 2017

Parmanand s/o Sangappa Gurav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Satyavrat Joshi, for the Applicant.

Mr.Prashant Jadhav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 13th 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.17 of 2017 registered with the Jath Police Station, Sangli for the alleged offences punishable under Sections 420, 409, 477A, 204, r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that although it is

alleged by the prosecution, that the applicant was working as a Gram Rozgar Sevak in the Grampanchayat, the appointment of the applicant is shown in the Light and Water Department in the Grampanchayat. He submitted that the applicant was not responsible for the entries that were made nor was he responsible for the job cards which were made and therefore the allegation that the password was obtained from the co-accused – Parshuram Koli is incorrect.

4. Learned APP opposed the application. He submitted that there are statements of several witnesses which show that the applicant was working as a Gram Rozgar Sevak in the Grampanchayat, and that he had prepared the job cards himself and had also retained the said job cards with him. He submitted that the applicant along with other co-accused have caused loss to the Government to the tune of Rs.21,90,908/-.

5. Perused the papers. The complaint has been filed by Dnyandev Madake on 3rd February, 2017. According to the complainant, (who was subsequently made an accused), he had informed the police, that when he was working as an Acting Block Development Officer from 1st August,

2016, he had found, in the Grampanchayat, Ekundi, 41 jobs pertaining to some lakes was undertaken under the Employment Guarantee Scheme, however, out of the said 41 works, 11 works were done without sanction and by fraudulently generating muster, by obtaining digital signature etc. On enquiry, the complainant found that 11 beneficiaries were not the residents of Ekundi Village. In the course of investigation, the complainant was also made an accused. It appears, that the State Government had introduced a scheme i.e. Mahatma Gandhi National Employment Guarantee Scheme at Grampanchayat Ekundi, Taluka - Jath, District – Sangli. The submission of the learned counsel for the applicant, that the applicant was working as an employee in the Light and Water Department, Grampanchayat Ekundi is belied from the statements of the witnesses, that have been recorded. The statements of more than 15 witnesses show, that the applicant was working as a Gram Rozgar Sevak and was preparing job-cards of the villagers, in Ekundi. They have stated that the job-cards were retained by the applicant, with himself and that the applicant, had ensured them, that he would find work for them. They have stated that the applicant would take their signatures on blank slips and would withdraw the money allegedly due to the said witnesses. They have further stated that

the applicant had prepared bogus list of the beneficiaries under the Scheme, despite the fact, that they were not eligible for the same. It appears that an amount of Rs.7,94,000/- has been deposited, in the account of the applicant and that out of the said amount, an amount of Rs.3,94,000/- has been deposited by the bank agent, who had the authority to disburse the amounts under the said Scheme. The balance 4 lakhs were deposited in cash. It also appears, that there are statements of witnesses, who have stated that the job cards were with the applicants. These job cards are missing from the Grampanchayat records.

6. Considering the material on record, and the scam, the custodial interrogation of the applicant is imperative. Hence, this is not a fit case to grant pre-arrest bail to the applicant.

7. Accordingly, the Application stands rejected and disposed of as such.

8. It is made clear, that the observations made herein are *prima facie*, for the purpose of deciding the aforesaid application. If an

application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)