IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.961 OF 2017

Abhijeet Sakharam Jadhav … Applicant
vs.
The State of Maharashtra … Respondent

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Mr. Viresh V. Purwant for the Applicant.
Mr. S. S. Hulke, APP for the State.

CORAM : T. V. NALAWADE, J.
DATE : 08.08.2017.

P.C.:

1. The application is filed in C. R. No.213 of 2017 registered in Barshi City Police Station, District Solapur, on the crime registered for the offenses punishable under Section 403, 417, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. Both the sides are heard. Papers of investigation were made available for perusal.

3. The crime registered on the basis of report given by the Assistant Commissioner of Social Welfare, Solapur. Under scheme of the Maharashtra Government Financial Add was given through this department to Co-operative Institution formed by persons of Scheduled Caste. The business of Netting and Garments was to be done by this institutions. Pooja Backward Class Netting and Garments Industrial Products Co-operative Institution was formed by persons like Venkateshan Ramchandra Aasade they applied to the Government through Department of Complaint for giving benefit of scheme prepared by the Government. As per the Government policy the Government gave 104.62 Lakh amount as Government investments, Rs.104.62 Lakh as long term loan and this amount was deposited in the joint account of

Commissioner (Director) Social Welfare Maharashtra State, Pune and Venkateshan Ramchandra Aasade, the chairman of the society.

4. By using the aforesaid amount, the society was expected to make construction, purchase machinery, start the production. As per the record produced the amount of Rs.100 lakh was released for making construction of the building of the factory. This amount was released in favour of the institution and it was kept in bank account from Maharashtra Bank. It was necessary for the institution to complete the construction within 52 weeks of the day on which the funds were made available. The amount was made available on 15th December 2012.

5. The Social Welfare Department noticed that no activity of construction was undertaken and so show cause notice was issued to the institution and inquiry was started. It was realized that the amount of Rs.47.5 Lakh was actually withdrawn from the account but the amount was not utilized for aforesaid purpose and the amount was not available in the account. Thus, there was a misappropriation of the amount of Rs.100 lakh which was given for making construction of factory building. As there was a misappropriation of this amount, the report was given against the chairman and other office bearers.

6. The investigation reveals that the amount of Rs.20,00,000/- was given to the present Applicant for building construction on 26th February 2013 and the amount of Rs.20,00,000/- was given to him on 28th February 2013. Admittedly, present Applicant has not made any construction for the Society.

7. It is the case of the Applicant that he had returned the aforesaid amount to the chairman of the Society and such documents was prepared and so he cannot be made accused in the aforesaid case. In support of this contention, agreement written on general stamp paper is produced. In this document present Applicant has admitted that the aforesaid amount, of Rs.40,00,000/- was paid to him. The chairman has

admitted that the amount was returned back to him. Account extract is produced, of account of the present Applicant to show that the amount of Rs.20,00,000/- given to present Applicant was paid by him immediately through cash payment and similarly the remaining amount was also paid by making cash payment to aforesaid Pooja Industries. This record cannot help present Applicant and on the contrary this record shows that he had joined hands with the chairman. The amount of the society withdrawn by check and given to present Applicant was immediately returned virtually by a cash, by giving bearer cheque by the present Applicant to the chairman. Due to this circumstances, probability is created that present Applicant had helped the chairman in misappropriation of the aforesaid amount. It was Government money and such cases need to be taken very seriously. Therefore, investigation is required to be made into the matter and it is not the case where discretionary relief of nature of Anticipatory Bail in favour of the Applicant can be given. In the result application is rejected.

(T. V. NALAWADE, J.)