

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

CRIMINAL BAIL APPLICATION NO.2352 OF 2017

Manisha Devendra Phule

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. A. V. Chatuphale for the Applicant.

Mr. Ajay Patil, APP for the Respondent.

Mr. S. S. Pawar, API, EOW, Solapur City.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 12th December, 2017

P.C.:

. Heard. This is an application under section 439 of Cr.P.C. The Applicant herein is arrested on 5/5/2017 in Crime No.213/2017 registered at Sardar Bazaar Police Station, Solapur City, Solapur for the offences punishable under sections 403, 409, 417, 420, 467, 468, 471 read with 34 of the IPC.

2. The Applicant herein was working as District, Social Welfare Officer, Solapur during the period w.e.f. 4/8/2008 to 30/8/2008 and then w.e.f. 16/10/2008 till 18/7/2010 and that she forwarded the proposals of the Pooja Magasvargiya Knitting and Garments Audyogik Utpadak Sanstha Maryadit, Solapur to the Director, Social Welfare, Pune.

3. Mr.Chatuphale, learned counsel for the Applicant submits that technically sanction for the said proposal was granted prior to the Applicant taking charge i.e.22/5/2008. It appears that application for depositing the amount into the joint account was granted by the Director of Social Welfare. That on 1/7/2010 the Joint Director of Social Welfare Office, Pune informed the Chairman of the said Society to correct the lacuna in the

proposal and carry out necessary rectification. The Chairman was directed to appear before the Social Welfare Officer on 22/7/2010. However, the Chairman had chosen to bypass the order of the Applicant and had approached the Director, Social Welfare on 4/8/2010. It was submitted by the Chairman that he had removed the deficiencies in the proposal and therefore amount be deposited in the joint account. The Director of Social Welfare had allowed the application on the same day without scrutinizing the proposal. The agreement was signed on 4/8/2010 itself and all formalities were completed. There is no doubt that 7/12 extract has been attested by the present Applicant. It appears that it was a part of the original proposal and only she has attested the same. It is pertinent to note that the Director of Social Welfare office is not an accused in this case. Since the proposal was directly taken to the Director of Social Welfare there was no question of proposal being forwarded through District, Social Welfare Officer and hence the Applicant cannot be held liable for the offence punishable under section 420 of Indian Penal Code at this stage. The Applicant therefore deserves to be enlarged on bail.

4. The observations are prima facie in nature and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial as the observations made hereinabove are restricted only to the application under section 439 of the Code of Criminal Procedure. Hence, the order:

ORDER

1. The application is allowed.
2. Applicant-Manisha Devendra Phule be enlarged on bail on furnishing P. R. bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount.

3. Applicant shall co-operate with the Investigating Agency as and when called.

Application stands disposed of.

(SADHANA S. JADHAV, J.)