

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.30 OF 2017  
(Gajanan s/o Krushnarao Take vs. State of Maharashtra)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders    Court's or Judge's orders  
or directions and Registrar's orders.

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Shri S.M. Bhagde, Advocate for applicant.  
Shri A.V. Palshikar, Additional Public Prosecutor for  
respondent.

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CORAM : P.N. DESHMUKH, J.

DATED : MARCH 6, 2017

This is an application for anticipatory bail by one of the accused involved in Crime No.162/2015 under Sections 420 and 468 read with Section 34 of Indian Penal Code.

Heard Shri Bhagde, learned Counsel for applicant, and Shri Palshikar, learned Additional Public Prosecutor for respondent.

It is the case of applicant that while he was working as Gram Sevak at village Chimana Bagapur, work under Mahatma Gandhi Employment National Rural Employment Guarantee Scheme was initiated for construction of cement concrete bund and canal upon which 18 labourers were shown in muster roll, who have worked at that place. However, it is alleged that applicant has not maintained muster roll of labourers nor has signed the same and as such, has committed fraud and misappropriated amount under the said scheme.

Shri Bhagde, learned Counsel for applicant, has submitted that report is lodged in the year 2015 in

respect of alleged misappropriation of funds in the year 2011-12 and in fact, applicant was transferred from said village in June 2011 itself and at that time, entire charge was handed over by him to his successor along with record of Gram Sevak of village Chimna Bagapur held by him.

Thus, it is the specific case of applicant that documents relevant to present crime are very much in the custody of Gram Panchayat and as such, same can be verified during the course of investigation for which applicant's custody is not required.

With reference to case of applicant as above, learned Sessions Judge appears to have rejected the application finding that documents are required to be seized from the applicant and investigation is incomplete.

In view of specific case of applicant about his handing over documents on his transfer in June 2011 and since co-accused is already granted anticipatory bail by learned Sessions Court, following order is passed :

Interim order dated 25/1/2017 passed by this Court is confirmed on the same terms and conditions. Applicant is further directed to attend Investigating Officer as and when called till filing of charge-sheet. The criminal application is accordingly allowed.

JUDGE

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