

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

CRIMINAL APPLICATION (ABA) NO.672 OF 2017

Vilas s/o Laxman Gawande

..vs..

State of Mah., thr. PSO, Yavatmal Rural, District Yavatmal

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

Court's or Judge's Order

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Shri Vivek Awchat, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 27, 2017.

1. Heard learned counsel Shri Vivek Awchat for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.

2. The applicant is apprehending his arrest in connection with Crime No.0324 of 2017 registered with Police Station Yavatmal (Rural), District Yavatmal for the offences punishable under Sections 420, 408, and 409 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the Government of Maharashtra introduced a Scheme namely Mahatma Gandhi National Rural Employment Guarantee Scheme (MREGS) to provide employment to the rural population and digging the wells in the fields of farmers. The implementing agencies of the said Scheme are the Zilla

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Parishads and the Panchayat Samitis.

4. According to the prosecution, the applicant is Sarpanch of village Borgaon (Madani). He was Sarpanch for a period of 5 years from the year 2011. According to the prosecution, the applicant extended the benefits of the said Scheme to his wife and his son instead of giving the benefits to the needy persons.

5. The first information report is lodged by Assistant Block Development Officer Yogeshwar Kisanrao Udakhe.

6. According to the first information report, the applicant has mis-appropriated the Government's funds allotted to the beneficiaries for construction of wells under the said Scheme. According to the prosecution, the mis-appropriation is to the tune of Rs.1,13,771/-. According to the allegations, the applicant has misused the powers vested in him as a Sarpanch and has mis-appropriated the amount.

7. Learned Additional Public Prosecution Shri T.A. Mirza for the State fairly submits that the entire documents are already seized and the same are in the custody of the investigating officer. He submits that the custody of the applicant is necessary for recovery of the amount and for interrogation.

8. Learned counsel Shri Vivek Awchat for the applicant submits, on instructions from the applicant, that the

applicant is ready to deposit amount of Rs.1,13,771/- within a period of three weeks from today.

Consequently, I pass the following order:

ORDER

i) The criminal application is allowed.

ii) In the event of arrest of applicant Vilas s/o Laxman Gawande, in connection with Crime No.0324 of 2017 registered with Police Station Yavatmal (Rural), District Yavatmal for the offences punishable under Sections 420, 408, and 409 read with Section 34 of the Indian Penal Code, the applicant be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount, only on compliance of following conditions :

a) that the applicant shall deposit amount of Rs.50,000/- in the Court of learned Magistrate at Yavatmal, within a period of one week.

b) that the applicant shall deposit remaining amount of Rs.63,771/- within a period of two weeks, thereafter, in the

Court of learned Magistrate at Yavatmal.

iii) Learned Magistrate at Yavatmal shall treat the said amount as Muddemal of the crime.

iv) In order to save the interest, learned Magistrate should deposit the said amount in any Nationalized Bank, initially for a period of 3 years and subsequently there should be renewal periodically, till disposal of the Trial.

v) After disposal of the Trial, learned trying Magistrate shall pass an appropriate order under Section 451 of the Code of Criminal Procedure, 1973 in respect of the said amount.

vi) If any of conditions, in respect of directions to deposit the amount, is not scrupulously followed by the applicant, the anticipatory bail granted by this Court shall cease to exist thereafter automatically and the investigating officer will be free to cause arrest of the applicant.

vii) The applicant shall give intimation and the

xerox copy of the receipt to the investigating officer showing the deposit of the amount in the Court of learned Magistrate at Yavatmal.

viii) With this, the criminal application is disposed of.

JUDGE

!! BRW !!