

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 408 OF 2018**

Mahadev Ganpat Mohite

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

WITH**ANTICIPATORY BAIL APPLICATION NO. 443 OF 2018**

Shamsundar Laxman Patil

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

WITH**ANTICIPATORY BAIL APPLICATION NO. 473 OF 2018**

Reshma Ram Telange

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. C.G. Gavnekar a/w G.S. Hiranandani, a/w A.C. Gavnekar for the Applicant in ABA Nos. 408 of 2018 and 473 of 2018.

Mr. Ganesh Gole for the Applicant in ABA No. 443 of 2018.

Ms. Rutuja Ambekar for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 4th DECEMBER, 2018.

P.C.:-

The Applicant in ABA No.408 of 2018 is granted interim relief by an Order dated 6th March, 2018, the Applicant in ABA No. 443 of 2018 is granted interim relief by an Order dated 8th March,

2018 and the Applicant in ABA No. 473 of 2018 is granted interim relief by an Order dated 13th March, 2018.

2 Heard Mr. Gavnekar, the learned counsel appearing for the Applicant in ABA No. 408 of 2018, 473 of 2018, Mr. Gole, the learned counsel appearing for the Applicant in ABA No. 443 of 2018 and the learned APP. Perused the record of investigation.

3 The Applicants Mahadev Mohite and Smt. Reshma Telange were Sarpanch of village Einghar, Taluka Roha, District Raigad and the Applicant Shamsunder Patil was Gram Sevak of the said Grampanchayat. It is the allegation against the Applicants that, the Applicant Smt. Reshma Telange, in connivance with the Gram Sevak Shamsunder Patil, committed defalcation of the funds of the said Grampanchayat allotted by the 13th Finance Commission to the tune of Rs.3,71,150/- and the Applicant Mahadev Mohite has committed defalcation of Rs.4,72,000/- in connivance with the Applicant Shamsunder Patil.

4 Mr. Gavnekar, the learned counsel appearing for the Applicants, on instructions from Smt. Reshma Telange, submitted that with a view to prove their bonafide and without prejudice to their rights and contentions to be raised at the time of Trial, if the police

submits charge-sheet, the Applicant Smt. Reshma Telange will deposit a sum of Rs.2,00,000/- in the Registry of Judicial Magistrate, First Class, Roha, District Raigad within a period of 4 weeks from today. That, she will deposit Rs.1,00,000/- within a period of two weeks from today and balance amount of Rs.1,00,000/- within a period of two weeks thereafter.

He further, on instructions from Mr. Mahadev Mohite, submitted that, the said Applicant will deposit a sum of Rs.2,50,000/- in the Registry of Judicial Magistrate, First Class, Roha, District Raigad within a period of 4 weeks from today. That, he will deposit a sum of Rs.1,00,000/- within a period of two weeks from today and the balance amount of Rs.1,50,000/- will be deposited within a period of two weeks thereafter.

The said statement is accepted as undertaking given to this Court.

5 Mr. Gole, the learned counsel appearing for Shamsunder Patil, submitted that the said Applicant is a Gram Sevak employed with the said Grampanchayat and though it is alleged that he is 50% beneficiary of the defalcated amount, it is a matter of Trial. He further submitted that, after taking into consideration the financial

position of the Applicant with a prove to his bonafide and without prejudice to the rights and contentions the said Applicant namely Shamsunder Patil will deposit a sum of Rs.2,50,000/- in the Registry of Judicial Magistrate, First Class, Roha, District Raigad within a period of 4 weeks from today. He, on instructions from further submitted that, the Applicant will deposit a sum of Rs.1,00,000/- within a period of 2 weeks from today and the balance amount of Rs.1,50,000/- will be deposited within a period of two weeks thereafter.

6 Mr. Gavnekar, as well as, Mr. Gole on instructions, submitted that the aforestated amounts will be deposited in the Registry of the Judicial Magistrate, First Class, Roha, District Raigad on or before 3rd January 2019. The said statements are accepted.

7 The prosecution is seeking custody of the Applicants for recovery of the aforestated amount. In view of the statement made by the Applicants recorded hereinabove, the Applicants are entitled to be protected by pre-arrest bail.

8 In view of the above, interim reliefs granted by this Court in ABA No. 408 of 2018 by Order dated 6th March, 2018, in ABA No. 443 of 2018 by Order dated 8th March, 2018 and in ABA No. 473 of

2018 by Order dated 13th March, 2018 are hereby confirmed. However, the condition to attend the Investigating Officer is hereby waived.

9 It is made clear that, the period to deposit the aforestated amounts shall not be extended on any count and if, the Applicants failed to comply with the undertaking recorded here-in-above, the pre-arrest bail granted to the Applicants shall come to an end automatically and the Investigating Officer will be at liberty to adopt appropriate remedies in that behalf.

10 In view of the above, the Applications are accordingly allowed.

All the concerned to act on the basis of an authenticated copy of this Order.

(A.S. GADKARI, J.)