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

ANTICIPATORY BAIL APPLICATION NO. 536 OF 2018

Mahendra Dadasaheb Gaikwad

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. A.P. Mundargi, Senior Advocate i/b S.S. Aradhye for applicant.
Ms. J.S. Lohokare, ,APP for State.

CORAM : A.S.GADKARI, J.
DATE : 6th December 2018

P.C.:

1] BY an Order dated 23rd March 2018, the applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates, to join in the process of investigation.

2] Heard Mr. Mundargi, the learned Senior Counsel for the applicant and the learned APP. Perused the record.

3] The first information report is lodged by Smt. Shraddha Sakhare, Sabhapati, Panhayat Samiti, Taluka Khalapur, District-Raigad. It is the prosecution case that, Shri Mahesh Soge, Taluka President of M.N.S. Party made a complaint with the first informant that, in the Take Home Ration (THR) Scheme the contractor is providing either inferior quality of

enriched protein or the ration which is provided to the concerned persons under the said scheme by the Government of Maharashtra is less in quantity or weight. Accordingly, the first informant along with other Government Officers visited, Adarsha Swashayat Mahila Bachat Gat situated at Tupgaon Grampanchyat and it was found that, the weight of the protein enriched ration to be given to the pregnanet woman and minor children aged upto three years is approximately 700 grams less in each packet. That various samples were collected from the said Mahaila Bachat Gat. It is alleged that, due to the said less quantity of protein enriched food, the contractor was benefited for about Rs.60.00 to Rs.65.00 lakhs. That applicant being a Deputy Chief Executive Welfare Officer of the said Department and holding additional charge as District Women and Child Welfare Officer, District Raigad, was suppose to verify the samples and measures, in fact did not do the same and therefore has committed an act as contemplated under section 420 read with 34 of the Indian Penal Code.

4] The learned APP produced on record a Circular issued by the Integrated Child Development Service Scheme, wherein it is stated that the Deputy Chief Executive Officer will visit Anganwadis within his jurisdiction once in a month and randomly check the sample of THR. It is the allegation

that, which the applicant has failed to do the same and therefore it facilitated the contractor who was providing the said enriched protein to Adarsha Swashayat Mahila Bachat Gat at village Tupgaon.

5] Mr. Mundargi, the learned Senior Counsel appearing for the applicant submitted that, the applicant was appointed as District Project Officer, Child Welfare, District Raigad and was also holding charge as a Deputy Chief Executive Officer Child Welfare since June 2017. That it was just not possible for the applicant to visit each and every Anganwadi in the District and he was relying on the reports submitted by his subordinate officers of the Department. He submitted that, whenever possible, the applicant visited the concerned Anganwadis to check whether the Scheme of the Government is being implemented in proper manner. He submitted that, as a matter of fact, Mr. J.R. Gahane being a Child Welfare Officer, Taluka Khalapur, District-Raigad was in fact instrumental in inspecting all places where the said Scheme was being implemented. That all relevant information is provided by said Mr.Gahane and the applicant has signed those documents.

6] The record indicates that, said J.R. Gahane has been arrested by the police and after through interrogation now he has been released on

regular bail. Perusal of the record would indicate that, there is substance in the submissions made by the learned counsel for the applicant.

7] In view thereof, interim relief granted by Order dated 23rd March 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)