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

ANTICIPATORY BAIL APPLICATION NO.2427 OF 2018

Asharani Irsangappa Gadde

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. S.S. Kanetkar for Applicant.

Mr. Ajay Patil, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 28th November 2018.

P.C.:

1] The applicant is apprehending arrest in CR No. 452 of 2018 dated 23.10.2018 registered with Akkalkot North Police Station, District-Solapur Pune under sections 409 read with 34 of Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record.

3] The first information report is lodged by Mr. Prabhakar Kamble, Block Development Officer attached to Bondle, Taluka Malshiras, District Solapur. It is the prosecution case that, the applicant, the Sarpanch of Village Chungi in connivance with Gram Sevak B.S. Nalavade for the period from 30.12.2017 to 25.5.2018 without actually effecting and/or carrying out any

development work, released the amounts in favour of Guruprasad Shankar Birajdar and Prakash Swami thereby causing loss to the Government Exchequer to the tune of Rs.17,94,131/-. It is alleged that, the said work was to be carried out in furtherance of recommendations of 14th Finance Commission and the said funds were released in favour of the said Grampanchayat by Government of India.

4] The learned counsel for the applicant submitted that, the applicant was having power to release the funds in favour of the said contractors and the said funds are released being a Sarpanch of the said village. He submitted that, the said amount has already been returned by the said persons and therefore the custodial interrogation of the applicant for further investigation of the present crime is not necessary and he may be protected by pre-arrest bail.

5] The learned Additional Sessions Judge in its impugned Order dated 17.11.2018 has observed that, the officer of panchayat samiti who was present before the Court has pointed out the falsity of documents i.e. estimate and completion certificate as they were of the earlier work and it has nothing to do with disputed work mentioned in the F.I.R. That the photographs of earlier works also placed on record, showing the work done by Grampanchayat.

The record indicates that, the applicant being a Sarpanch of village Chungi, Taluka-Akkalkot, District Solapur in connivance with Gram Sevak Shri B.S. Nalawade and other accused persons has released the aforesaid amount in

favour of said two contractors. The record indicates that, no work at all has been carried out by the said contractors and whatever work shown to have been done was only on papers and as per observations made by the Trial Court, the same are bogus.

6] Thus prima facie it appears that the applicant is the perpetrator of the present crime and is the beneficiary of the defalcated amount which belongs to the Government of India. The applicant being a Public Servant in fact ought to have objected for release of the said amount and ought to have utilised it for the benefit of the residents of the village and not otherwise.

7] In view of the above and after taking into consideration the serious allegations against the applicant and the gravity of the offence, this Court is of the considered opinion that the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)