

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

CRIMINAL APPLICATION (ABA) NO.86/2018

Kanhyalal Sakharam Gedam

..vs..

State of Mah., thr. PSO PS Gadchiroli

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

Court's or Judge's Order

.....
Shri Satyendra Singh, Counsel for the applicant.

Shri A.D. Sonak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 22, 2018.

1. Heard learned counsel Shri Satyendra Singh for the applicant and learned Additional Public Prosecutor Shri A.D. Sonak for the State. Also, perused reply filed on behalf of the State to object the application.

2. By the present application, the applicant is claiming anticipatory bail in connection with Crime No.32/2018 registered with Gadchiroli Police Station for the offences punishable under Sections 420 and 409 of the Indian Penal Code.

3. Learned counsel Shri Satyendra Singh for the applicant submits that the applicant is falsely implicated in the crime. He submits that out of vengeance, the First Information Report (FIR) is lodged against him. He submits that he has already taken all the entries properly and, therefore, he is being falsely implicated in the crime. He submits that the applicant is

ready to extend full cooperation to the investigating officer, if the anticipatory bail is granted in his favour. It is also his submission that the applicant is at loggerhead with Shri Kawadu Bopanwar and, therefore, in order to pressurize the present applicant, the present FIR is lodged.

4. The Extension Officer of the Panchayat Samiti at Gadchiroli has lodged the report.

5. Admittedly, the applicant is a Secretary of Gat Grampanchayat Murkhala (Navegaon).

6. As per the reply filed on behalf of the State, one Shri Ramakant Thengri, Member of the Zilla Parishad at Gadchiroli raised an issue in the House of the Zilla Parishad in respect of mis-appropriation of the Government Fund. Thereafter, the complainant was appointed as an Enquiry Officer. After the enquiry was over, he found that Rs.65,18,696/- was mis-appropriated by the present applicant by withdrawing the amount from the bank during period from 1.10.2016 to 28.6.2017 without making any entries in the various account books of the Grampanchayat Murkhala. The said enquiry report was submitted to the Block Development Officer, Panchayat Samiti at Gadchiroli on 5.12.2017 and, thereafter, the FIR was lodged.

7. As per the reply, during the course of the investigation, statement of Sarpanch Sandip Borkute was recorded. In his statement it is stated that the joint account of

Grampanchayat was operated by Gram Sewak i.e. the present applicant and the Sarpanch. It is his statement that the present applicant used to go alone in the bank and used to withdraw the amount. The present applicant though was under the bounden duty to maintain the account of the amount which was withdrawn from the bank and its expenditure, he has failed to do so. During the course of the investigation, 6 pass-books and 4 Cheque Books of the Grampanchayat are also seized. The reply states that the investigation is at very primary stage. The custodial presence is absolutely necessary to know where the applicant has spent such huge amount of Rs.65,18,696/-.

8. According to the investigation and from the investigation papers, it is clear that *prima facie* case is appearing against the applicant.

9. Insofar as the submission in respect of vengeance or falsely implication of the applicant is concerned, it is his defence. The said cannot be considered at this Stage. The applicant will have to take appropriate defence before the Court at appropriate stage.

10. No case is made out. The criminal application stands rejected and disposed of accordingly.

JUDGE

!! BRW !!

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