

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

Criminal Application [ABA] No.119 of 2018

Krushna Harishchandra Kawre and another

vs.

State of Maharashtra, through P.S.O. Wadgaon (Jungle), Tah. & Dist. Yavatmal

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

Court's or Judge's Orders

Shri J.B. Kasat, Advocate for the Applicants.

Shri A.V. Palshikar, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 2nd APRIL, 2018.

Heard.

Perused the F.I.R., reply of the prosecution and the
case diary.

After going through the case diary with the
assistance of the learned A.P.P. for the State, it is seen that
there are statements of the persons, who carried out the works
on which the amount had been spent, which are forming part
of the funds received from 14th Finance Commission. It is
further seen that the B.D.O. has given sanction to the works
done by these applicants after the funds were actually spent.
In other words, this was a case of granting of *ex post facto*
sanction by the B.D.O. These facts are not in dispute. If this
is the case, I do not think that, *prima facie*, the criminality can
be attached to whatever was done by the applicants. At the

most, *prima facie*, this will be a case of committing of irregularity by not following the procedure for which purpose, the existing procedure provided in various Government Circulars should be sufficient to take care of the conduct or the misconduct of these applicants. In the result, I am inclined to grant this application.

The application is allowed and the interim anticipatory bail granted to the applicants by this Court on 7th of March, 2018 is hereby confirmed on the same conditions with the clarification that now the applicants shall attend the police station only when they are required to do so by the Investigating Officer.

The application is disposed of as such.

JUDGE

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