

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

Criminal Application (BA) No. 916/2018

Sandip Ramchandra Borkute

V/s

The State of Maharashtra thr. PSO, PS Gadchiroli, Dist. Gadchiroli

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

Court's or Judge's orders

Shri A.A.Dhawas, Advocate for the applicant.
Shri S.S.Doifode, APP for the non-applicant.

CORAM : M.G. Giratkar, J

DATE : 23.10.2018.

The applicant is seeking regular bail under Section 439 of the Criminal Procedure Code. The applicant/accused is a Sarpanch of village Murkhada (Navegaon) Tah. and District Gadchiroli. The applicant/accused No.1 Kanhaiya Sakharam Gedam was working as a Gramsewak / Secretary. As per the First Information Report lodged by the Block Development Officer, Panchayat Samitee, Gadchiroli dated 29.1.2018, the accused No.1 Kanhaiya Sakharam Gedam misappropriated the Government Amount of Rs. 65,18,696/-.

As per the submission, the main accused Kanhaiya Sakharam Gedam is absconding till date and not arrested by the Police. Without any allegation in the FIR and also without any enquiry conducted by the Extension Officer, Panchayat Samitee, Gadchiroli, the applicant is falsely involved in the crime. The applicant was arrested on 15/6/2018. Regular bail application came to be

rejected by the Sessions Court, Nagpur by order dated 28/9/2018. Therefore, the accused prayed for grant of bail.

Heard Shri Anil A. Dhawas, learned Advocate for the applicant and Shri S.S. Doifode, learned APP for the non-applicant.

In para no.4 of the order, the Sessions Judge, Gadchiroli has observed that the detailed enquiry was conducted by Block Development Officer, Panchayat Samitee, Gadchiroli. It is found that various financial rules have been violated. The enquiry report is *prima facie* against the accused. The offence is serious and the bail application came to be rejected. It is pertinent to note that this observation appears to be wrong in respect of present applicant.

The allegations are in respect of accused Kanhaiya Sakharam Gedam FIR and enquiry report submitted by Extension Officer, Panchayat Samitee, Gadchiroli clearly show that accused No.1 Kanhaiya Sakharam Gedam, who was Gramsewak of Gram Panchayat, Murkhada misappropriated the amount of Rs. 65,18,696/-. There is no specific allegation / material against the present applicant. He is entitled for bail.

Hence, the following order:-

- (i) The criminal application is allowed.

(ii) The applicant be released on bail on furnishing PR/SB in the sum of Rs. 25,000/with one solvent surety in the like amount.

(iii) The Bail bond before the trial Court.

(iv) The applicant shall not tamper the evidence of the prosecution witnesses and the applicant shall not leave the jurisdiction of the Sessions Court Gadchiroli without prior permission and shall attend the Court regularly on each and every date.

JUDGE

rkn