

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

ANTICIPATORY BAIL APPLICATION NO.2563 OF 2018

Eknath R. Bhopi and Ors. Applicants
versus
The State of Maharashtra Respondent

**WITH
CRIMINAL APPLICATION NO.25 OF 2019**

Amit Mohan Jadhav.Intervener

IN THE MATTER BETWEEN

Eknath R. Bhopi and Ors. Applicants
versus
The State of Maharashtra Respondent

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- Mr.Sanjeev Kadam I/b. Prashant P. Raut for Applicant.
- Mr. C. G. Gavnekar for respondent No.2.
- Mr. S. R. Agarkar, APP for the State/respondent.
- Mr. Sachindra B. Shetye for Intervener in APPP No.25/19.
- Mr. Krishna B. Mekhale, API, Navi Mumbai-EOW-II present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11th JUNE, 2019**

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.I 291 of 2018 registered with Khandeshwar Police Station, under sections 420 and 406 r/w. 34

of the Indian Penal Code.

2. Heard learned counsel Mr.Sanjeev Kadam for Applicant, learned counsel Mr. C. G. Gavnekar for respondent No.2, learned counsel Mr. Sachindra B. Shetye for Intervener in APPP No.25/19 and Mr. S. R. Agarkar, APP for the State/respondent.

3. The F.I.R. is lodged by one Nandkishor Bhagat who was working as Gram Vikas Adhikari with Palidevad Gram Panchayat. The FIR is lodged in respect of alleged misappropriation of money by the water committee. The said committee had taken responsibility to provide water in the Gram panchayat area. For that purpose they were given certain rights. This committee was established since 2004 and till registration of present FIR there were no other offences registered against the said committee. It is mentioned in the FIR that there were some complaints about misappropriation committed by the members of the said committee. The applicant No.1 was the Chairman and applicant No.2 was the Secretary of the said committee during the relevant period. The alleged period of misappropriation pertaining

to the present FIR is of year 2016-2017. The allegations show that the committee had misappropriated amount of Rs.18 lakhs and Rs.5,88,741/-. The record annexed to this application shows that Rs.18 lakhs were given as an advance for purchasing plot of land, however, said transaction was not completed and said amount was paid back by the committee. On the basis of complaint received, the Zilla Parishad made their inquiry and found misappropriation and irregularities in respect of amount of Rs.5,88,741/-. The major portion of this amount was spent for purchasing gifts and putting up banners etc. which was not permissible and which was not the purpose for which the money was advanced to the water committee. The FIR itself mentions that this amount is also returned by the water committee before the FIR was lodged. In this view of the matter, the allegations pertain to the record of Gram Panchayat which is available for investigation. The amount allegedly misappropriated by the committee is already returned. The committee was functioning since the year 2004 and there was no allegations in the past about the possible misappropriation by the committee members. The report also does not claim that any

particular committee member has misappropriated any amount for himself. Therefore, in my considered view, the applicants have made out a case for anticipatory bail. The investigation can go on. The applicants can be directed to report to police station and they can be made to co-operate with the investigating agency.

4. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No.I 291 of 2018 registered with Khandeshwar Police Station, Navi Mumbai, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand each Only) with one or two sureties each in the like amount.
- (ii) The applicants shall report to the concerned police station every Saturday and Sunday from 3.00p.m. to 5.00p.m. till filing of the charge-sheet.
- (iii) Application stands disposed of accordingly.
- (iv) The connected application is disposed of.

(SARANG V. KOTWAL, J.)