

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

ANTICIPATORY BAIL APPLICATION NO.121 OF 2019

Sanjay Babanrao Jadhav & Anr.

... Applicants

Versus

The State of Maharashtra.

... Respondent

Mr. Ganesh Gole I/b. Aarif Ali M. Ali for Applicants.

Ms. A. A. Takalkar, APP for State.

Mr. S. R. Gaikwad, P.N. 1088, Ghoti p.stn. is present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 14th JUNE, 2019

P. C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.I 143 of 2018 registered with Ghoti police station, Nasik, under Section 420 r/w. 34 of the IPC.

2. The FIR in this case is lodged on 20/10/2018 by Block Development Officer, Panchayat Samiti, Igatpuri. It is his case that some inquiry was conducted in respect of alleged misappropriation which had taken place in the funds of Ambewadi Gram Panchayat. It is the case of first informant that on 05/08/2018, Shivram Dhavale

was elected as Sarpanch and he had assumed his charge. Ever thereafter the present applicant no.1 who was the Gram Sevak, in collusion with applicant No.2, who was the earlier Sarpanch withdrew large amount from the funds of Gram Panchayat under her signature and misappropriated that amount. The allegations are that misappropriation was to the tune of Rs.3,74,000/-.

3. Heard Mr. Ganesh Gole, learned counsel for the applicant and Ms. A. A. Takalkar, learned APP for the State.

4. Learned counsel for the applicant invited my attention to the report dt.19/06/2018 signed by the Block Development Officer, Panchayat Samiti, Igatpuri. According to the learned counsel, the report mentions that the amount of Rs.3,74,000/-, in fact, was spent for the purpose for which it was withdrawn.

5. On the other hand, learned APP produced the papers of the investigation. According to learned APP the applicants have used forged documents in the nature of bills issued by various persons. The statements of those persons show that the bills are forged and were never issued by such persons. The report relied on by the learned counsel for the applicant, in fact, mentions that the applicant no.1 was

transferred to another Gram Panchayat from 20/05/2014, however, he did not take the charge at his transferred place and continued to work with Ambewadi Gram Panchayat when he had no authority to do so. For this, separate departmental inquiry was conducted.

6. Considering the investigation papers it is clear that the applicant no.1 had prepared forged cash bills in the name of witness's business firm. There are other forged bills collected by Investigating Officer during the investigation. Hence, the offence is clearly made out. There is collusion between both the applicants. The custodial interrogation of applicants is necessary to unearth the conspiracy and the mode of commission of offence. Hence, there is no merit in the applicant. The application is rejected.

(SARANG V. KOTWAL, J.)