

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

ANTICIPATORY BAIL APPLICATION NO.598 OF 2019

Amruta A.Kamble	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

Mr.Rohan Hogle I/by Mr.Anshul A.Sontakke for the applicant.
Mrs.A.A.Takalkar, APP for respondent-State.

***CORAM : P.N. DESHMUKH, J.
DATE : 20th March 2019***

P.C.:

. Yesterday this matter was substantially heard and as this Court was not inclined to allow the same, on application of counsel for applicant, it was adjourned for today to make a statement, on instructions, if to withdraw the same or pursue the application.

2. Today, learned counsel submits that application be decided on merits. Applicant is a forest guard. It is the case of prosecution that Range Forest Officer, Malkapur, Tal. Shahuwadi, Dist. Kolhapur, on instructions from his superior officer lodged complaint against one forester namely Vinayak Nana Patil alleging misappropriation of amount of Rs.2,21,400/- meant for plantation of trees at village Ghungur. Complaint came to be lodged after conducting a preliminary enquiry by

Assistant Conservator of Forest. It is further case of the prosecution that one news item was published in local newspaper with reference to misappropriation of government funds meant for plantation of trees at Ghungur and accordingly enquiry was initiated and finding substance in it, complaint came to be lodged by Nandkumar Nalavade against applicant who was found in connivance with Vinayak Nana Patil in misappropriation of government funds by falsely representing that plantation was carried out in the Central Nursery situated at village Mousam, Tal.Shahuwadi, Dist. Kolhapur. During the course of investigation, applicant's involvement is seen with Vinayak Patil who has supplied around 12,500 plants for Ghungur village, however, no plantation was carried out at any point of time and applicant in connivance with Vinayak Patil had accordingly misappropriated government funds to the extent of Rs.2,21,400/-.

3. Applicant's involvement is also established as she has prepared vouchers to the extent of above stated amount bearing her signature and though from said vouchers, it is revealed that said payment is shown as made to the labours working at village Mousam, no such payment was in fact made at all and thereby misappropriated government fund. According to the case of prosecution, even the

statements of labours would disclose that they had never worked in any nursery either in Ghungur village or Mausam village and further states that co-accused Vinayak Patil had asked for their bank account numbers and deposited some amounts in their accounts and thereafter got it withdrawn from them in cash. There are about 28 works bills which are seized under Panchnama.

4. Having considered the nature of offence and applicant's involvement along with co-accused as aforesaid and as offence is based on documentation, applicant's custodial interrogation is found necessary. In the circumstances, application is disposed of as dismissed.

P.N. DESHMUKH, J.