

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

ANTICIPATORY BAIL APPLICATION NO.1508 OF 2019

Hanumant Vasudev Kharat

.... Applicant

versus

The State of Maharashtra

.... Respondent

- Mr. Harshad M. Inamdar, Advocate for Applicant.
- Mr. S. H. Yadav, APP for the State/Respondent.
- Mr. Pandit K. Maske, PSI, Tembhurni Police Station, Solapur Gramin present.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th JULY, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C. R. No.674/2019 registered with Tembhurni Police Station, District Solapur under Section 417, 465, 471 of IPC.

2. The FIR is lodged on 31/12/2018 by Development Officer working with Panchayat Samiti, Kurduwadi Shri Bharat Repal. According to FIR, at the relevant time, the present applicant was working as Village Development Officer. It is

alleged that the present applicant under his own signature and under the signature of Sarpanch had tendered the resolutions purportedly passed by the Gram Sabha in monthly meetings of the Gram Panchayat. The resolution mentioned that 40-R area of Gat No.375 should be reserved for crematorium. The resolution was purportedly passed on 8/2/2018 bearing resolution No.6/32. There is another resolution dated 13/3/2018 at subject No.6 and resolution No.18 in respect of Akuj Road crematorium. It is case of the first informant that on 8/2/2018, the minutes book mentioned the last resolution at Sr. No.6/25 and therefore resolution No.6/32 could not have been passed. Similarly, in respect of resolution dated 13/3/2018, there was difference in words between the actual minutes book entries and the resolution which was forwarded to the Tehsildar. On this basis, this FIR was lodged.

3. Heard Mr. Inamdar, Ld. Counsel for the applicant and Mr. Yadav, Ld. APP for the State.

4. Ld. Counsel for the applicant submitted that the applicant has not committed any offence. He is 57 years of age and on the verge of retirement. There was some dispute regarding payment of salary to him and therefore he was made a scapegoat.

5. As against this, Shri. Yadav submitted that, the offence is serious. There is tampering with the entries in the record of the Gram Panchayat. Therefore, custodial interrogation of the applicant is necessary.

6. When a specific question was put to the Investigating Officer through APP as to whether there was any personal gain to the present applicant, the prosecuting agency and the Investigating Officer could not explain as to how the present applicant was to gain financially because of those resolutions. The applicant could not have derived any benefit from these resolutions. In any case, if there was difference between actual entries and the copy of resolution forwarded to the Tehsildar, unless there was material discrepancy, it cannot be said that the present applicant had

played any mischief which would have caused loss to the Gram Panchayat. In any case, the resolution did not affect any rights of any of the parties. The proper procedure under the law had to be followed to give effect to these resolutions. Thus, on the face of this allegations, at this stage, hardly any offence is made out against the present applicant. In this view of the matter, instead of custodial interrogation, the applicant's attendance at the Police Station and interrogation at that time would suffice the purpose. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No.674/2019 registered with Tembhurni Police Station, District Solapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station from 22/7/2019 to 24/7/2019 between 03.00 to 05.00 p.m. and shall co-operate with the investigation.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)