

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

ANTICIPATORY BAIL APPLICATION NO.2186 OF 2018

Smita Dnyaneshwar Padekar	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Ms.Priyanka H. Chavan, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- PSI Mr.Satish Ashok Daule, Alephata Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JULY, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.206/18 registered with Alephata Police Station, Pune, under sections 409 r/w 34 of the Indian Penal Code.

2. The FIR is lodged on 07/09/2018 by the Development Officer working with Panchayat Samiti Junnar. There were allegations of misappropriation of some amounts in Santwadi Grampanchayat during the period from 2016 to 2018. At that time, the present Applicant was the Sarpanch of Santwadi Grampanchayat. When the enquiries were conducted it was

found that one Prakash Bajirao Sahane was paid Rs.6,83,000/- through different cheques deposited on 11/07/2017, 03/11/2017 and 13/03/2018. The enquiry further revealed that in lieu of said payment, no work was carried out within the area of the said Grampanchayat. The present Applicant Smita Padekar was the sole authorized signatory to those cheques. It is further alleged in the FIR that amount of Rs.2,12,600/- was transferred from the account of Kolwadi Grampanchayat to Santwadi Grampanchayat. One M/s. Samarth Constructions was paid that amount by Santwadi Grampanchayat purportedly under the cheques issued by the present Applicant. It is alleged in the FIR that this misappropriation was committed by the present Applicant in consonance with Gram Sevak Vijay Maruti Rokade. It is alleged that Gram Sevak Rokade somehow managed to get amount of Rs.2,12,600/- transferred from Kolwadi Grampanchayat to Sawantwadi Grampanchayat. It is on these allegations the FIR is lodged.

3. Heard learned Counsel Ms.Priyanka H. Chavan for the Applicant and learned APP Ms.S.S. Kaushik for the State.

4. Learned Counsel for the Applicant submitted that, much prior to the lodging of the FIR, the Applicant herself had made various complaints to police in respect of misuse of those cheques. She had lodged her complaint with Superintendent of Police Pune Rural, Sub-Divisional Police Officer, Junnar and API Alephata Police Station. That complaint was made on 22/07/2018 wherein she had clearly mentioned that she had not signed the cheques in question, which were encashed on the dates mentioned hereinbefore. In spite of her complaint, no cognizance was taken and no investigation was carried out. Learned Counsel for the Applicant further submitted that in any case that amount has been redeposited by the said Prakash Sahane in the account of Santwadi Grampanchayat. Learned Counsel for the Applicant submitted that even the amount of Rs.2,12,600/- was returned to Kolwadi Grampanchayat. However, she was unable to mention exact nature of this transaction.
5. As against this, the learned APP submitted that the Bank Manager has stated that the cheques were cleared after

verifying the signatures of the present Applicant. Those cheques are sent for handwriting expert's opinion and that opinion is awaited. However, they have sent her signature used on the account opening form. The Investigating Officer has not taken care to obtain sample signature of the present Applicant. It is not their case that the Applicant was not available for giving her signature for sending it to handwriting expert. The Applicant while on interim protection, had attended the police station.

6. I have considered these submissions. Opinion of handwriting expert is not available as on today. Even the police have not taken the sample signature of the present Applicant. The matter is pending since long. The significant feature in this case is that the Applicant has already lodged complaint with the police mentioning that the signatures on the disputed cheques were not her signatures. Taking overall view of the matter, it is apparent that the main controversy is in respect of her signatures on the cheques, the amount of Rs.6,83,000/- is returned back in the account of Grampanchayat. Therefore at

this stage, the investigation can go on and the Applicant shall cooperate with the investigation. However, considering the fact that the entire investigation depends clearly on authenticity of those three cheques, custodial interrogation of the present Applicant is not necessary. In this view of the matter, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.206/18 registered with Alephata Police Station, Pune, the Applicant is directed to be released on bail on her 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 as and when called and shall cooperate with the investigation, including giving her specimen signatures.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)