

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

912 ANTICIPATORY BAIL APPLICATION NO.115 OF 2021

RAJENDRA NIVRUTTI SONAWANE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Chaudhari S.U.

APP for Respondent : Mrs. R.P. Gaur.

CORAM : MANGESH S. PATIL, J.

DATE : 09.02.2021.

PER COURT :

The applicant is seeking bail in the event of his arrest in connection with Crime No. 295/2019, registered with Jalgaon Taluka Police Station, District Jalgaon, for the offences punishable under Section 420, 465, 468, 470, 471, 409 of the Indian Penal Code.

2. The F.I.R. has been lodged by an Extension Officer of Panchayat Samiti Jalgaon. He alleges that as per the directions of the Chief Executive Officer when he undertook an enquiry it transpired that the applicant who was then Gramsevak of Grampanchayat Amoda Budruk during the year 2016-2017 he falsely issued certificates in favour of one Sanjay Bhaskar Bhil and Vikas Bhaskar Bhil to enable them to make a claim under a housing scheme even when their names were not appearing in the assessment list and accordingly enabled them to claim houses. It is further alleged that when the Chief Executive Officer by the order dated 27.12.2017 suspended the applicant, without there being any authority he managed to withdraw an amount of Rs. 4,26,000/- from the accounts of the Grampanchayat. During departmental enquiry he admitted this fact and thus it is alleged that he has misappropriated the government money.

3. The learned advocate for the applicant would submit that the applicant is innocent. He has not committed any offence. There is delay in lodging the F.I.R. His custodial interrogation is not necessary. He is ready to cooperate the Investigating Officer and may be granted bail subject to suitable conditions.

4. The learned A.P.P opposes the application.

5. I have perused the F.I.R. and the order passed by the learned Additional Sessions Judge refusing to grant anticipatory bail. At this juncture, the contents of the F.I.R. are eloquent enough to reveal the precise allegations against the applicant. There are two kinds of allegations. It is alleged that the applicant managed couple of persons to claim houses by issuing certificates even when their names are not appearing in the assessment record of the Grampanchayat. Secondly, it is alleged that he withdrew an amount of Rs. 4,26,000/- from the accounts of the Grampanchayat, which was received as per the proposal of the 14th Finance Commission. The application is conspicuously silent about the applicant's stand/probable defence.

6. Since it is a matter of misappropriation of public money, custodial interrogation of the applicant is highly imperative. The applicant in spite of being a public servant has indulged in misappropriation and forgery and the discretion cannot be exercised in his favour.

7. The Application is rejected.

(MANGESH S. PATIL, J.)

mkd/-