

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

ANTICIPATORY BAIL APPLICATION NO.405 OF 2021

Mohammad Rafi s/o. Amir Khan Pathan ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr.P.P.More, Advocate for applicant

Mr.S.W.Munde, APP for respondent

CORAM : R.G. AVACHAT, J.

(Vacation Court)

RESERVED ON : MAY 27, 2021

PRONOUNCED ON : JUNE 03, 2021

PER COURT :-

This is an application for anticipatory bail. The applicant claims to have apprehension of arrest in connection with Crime No.0045 of 2021 registered with Naigaon Police Station, Dist. Nanded, for the offences punishable under Sections 420, 409, 467, 468 and 471 of the Indian Penal Code.

2. Heard. Perused the First Information Report ("FIR", for short) and the related papers.

3. The FIR has been lodged by the Extension Officer, Panchayat Samiti, Naigaon. It is averred in

the FIR that the applicant was Gramsevak at Gampanchayat of village Gadga, during the period 13.11.2019 to 23.11.2020. The village Sarpanch made a complaint to the Block Development Officer on 19.10.2020, alleging the applicant to have misappropriated around Rs.17-18 Lakhs received by the Panchayat under the development scheme as per the 14th Finance Commission recommendations. It is further alleged in the FIR that at about 7-8 occasions, the applicant by making addition of figures in the cheque amount, withdrew the amount more than one required to be withdrawn. The applicant, thus, misappropriated lakhs of rupees.

4. Mr.More, learned counsel for the applicant, would submit that if the applicant is arrested, he will lose his job. Perusal of the cheques would indicate that there is no overwriting, interpolation or addition of words or figures. The applicant is ready to co-operate with the investigation. He, therefore, urged for allowing the application.

5. Learned APP has opposed the application.

6. The FIR has been lodged by a responsible Government Officer. Before lodging of the FIR, the informant enquired into the matter and found the applicant to have been involved in misappropriation and defalcation of the sum around Rs.17-18 Lakhs. It is also evident from the papers of investigation that the applicant has been placed under suspension. He refused to handover the charge of his post. The charge of the post was required to be taken under the orders of the higherups. It is an economic offence. Custodial interrogation of the applicant is required.

7. I am, therefore, not inclined to grant the applicant bail. The application is rejected.

[R.G. AVACHAT, J.]