

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1561 OF 2020

Karuna w/o Dyaneshwar Uttarwad,
Age 32 years, Occupation Household,
R/o Kolheborgaon Tq. Biloli Dist.
Nanded.

...Applicant

VERSUS

The State of Maharashtra,
Through Police Station, Ramtirth,
Tq. Biloli Dist. Nanded.

...Respondent

.....
Advocate for Applicant : Mr. I. V. Durrani h/f Mr. V. C. Patil
(Ashtekar)
APP for Respondent-State : Mr. N. T. Bhagat.

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 22-02-2021.

ORDER :

1. Present applicant has been arrested in connection with Crime No.17 of 2020 by Ramtirth Police Station Tq. Biloli Dist. Nanded, for the offences punishable under Section 420, 409 read with 34 of the Indian Penal Code. She has preferred bail under Section 439 of Code of Criminal Procedure.
2. Heard learned Advocate Mr. I. V. Durrani holding for Mr. V. C. Patil (Ashtekar) for applicant and learned Additional Public Prosecutor

Mr. N. T. Bhagat for respondent-State. In order to cut short it is stated that, both of them have made submissions in support of their respective contentions.

3. It is to be noted that the applicant was the Sarpanch of village Kolheborgaon. The First Information Report has been lodged by Development Officer of Panchayat Samiti, Biloli. It is contended by him that certain amount was given to Grampanchayat Kolheborgaon under 14th Finance Commission for the Schemes to be implemented. The said amount was to the tune of Rs.10,24,040/-. There is a joint account of the Sarpanch and the Village Development Officer in which that amount was deposited and the payments in the scheme was to be given through the said account. An inquiry was made in respect of co-accused Rajendra Dashrath Bhoge who was then the Village Development Officer and it was found that the present applicant as well as co-accused had not submitted certain documents such as valuation of the work done, voucher, plans etc., yet the amount was disbursed to various persons who had allegedly carried out the development work. The misappropriation is stated to be of Rs.15,32,955/-, and therefore, the Government is stated to be cheated by them.

4. The present applicant came to be arrested on 05-12-2020 and it appears that she has undergone necessary police custody which was sanctioned by the learned Magistrate. It will have to be presumed now that substantial part of the investigation could be over. Further it can be noted that when the First Information Report is the outcome of an inquiry, then definitely all the documents on the basis of which the concerned authority had come to the conclusion that there is misappropriation, are available with the said authority. Now nothing is required to be recovered at the instance of the present applicant. It would take longtime to stand her trial and, therefore, she deserves to be released on bail. Hence, following order.

ORDER

- 1) Applicant i.e. accused Karuna w/o Dyaneshwar Utttarwad in connection with Crime No.17 of 2020, registered with Ramtirth Police Station Tq. Biloli Dist. Nanded, for the offences punishable under Section 420, 409 read with 34 of the Indian Penal Code, be released on P.R. of Rs.50,000/- (fifty thousand) with two solvent sureties of Rs.25,000/- each (twenty five thousand).
- 2) The applicant shall not tamper with the evidence of the prosecution in any manner.

- 3) She shall not indulge in any criminal activity.
- 4) Before submission of bail papers, the applicant should give complete address of her residence with her mobile number. So also she should comply with the requirements under paragraphs No.12 (1) to (6) of Chapter I of Criminal Manual, whichever are applicable.
- 5) The appellant to attend Ramtirth Police Station on every second and fourth Sunday of the month from 09.00 a.m. to 12.00 noon and maintain diary of her attendance duly countersigned by the Police Station officer, till filing of the charge-sheet.
- 6) Bail before Trial Court.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-