

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

CRIMINAL BAIL APPLICATION NO.1160 OF 2021

Bhimrao Sitaram Nalavade	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Umesh R. Mankapure, for the Applicant.

Mr. A. A. Palkar, A.P.P for the Respondent– State.

CORAM : REVATI MOHITE DERE, J.

DATE : 14th SEPTEMBER 2021

P.C. :

1. Heard learned Counsel for the parties.
- 2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 452 of 2018 registered with the Akkalkot North Police Station, Solapur (Rural), for the alleged offences punishable under Sections 409, 420 r/w 34 of the Indian Penal Code.
3. Perused the papers. The FIR has been lodged at the behest of Prabhakar Kamble. According to the complainant, accused No.1 - Bhimrao Sitaram Nalavade (Applicant), as a Gram Sevak and accused No.2 – Aashrani I. Gadde as a Sarpanch alongwith others misappropriated an

amount of Rs.17,94,000/- odd from the fund of Grampanchayat Chungi, Akkalkot and as such the accused cheated the government. It is alleged that the Applicant and accused No.2 – Smt. Gadde did not evaluate the work and without following due process gave the work to inexperienced contractors and that some of the work which was given was not even done. The said complaint was lodged after Development Officer - Bhimrao Tuljapurkar conducted the inspection of the records of Grampanchayat Chungi between the period 30th December 2017 to 25th February 2018, on a complaint made by one Prabhakar Kamble. In the said inquiry which was conducted, it was found that the applicant a Gram Sevak in the capacity of Village Development Officer alongwith Sarpanch - Smt. Gadde issued cheques favouring Guruprasad Birajdar and Prakash Swami, who had no concern with the Grampanchayat. The other co-accused are alleged to have withdrawn an amount of Rs.17,94,000/- odd. The allegation as against the applicant is that it was essential to obtain permission of the Block Development Officer (B.D.O) before withdrawal and starting work, however, no such permission was obtained and the aforesaid amount was withdrawn. No tenders are also alleged to have been floated and monies were withdrawn. It appears that co-accused i.e. Sarpanch - Smt. Gadde; accused No.4 - Guruprasad Birajdar and accused No.5 – Prakash Swami have been released on bail. The applicant is in custody since November

2020. Investigation is complete and charge- sheet is filed.

4. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 25,000/-, for a period of eight weeks;
- (ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 1:00 p.m. till the conclusion of the trial;
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vii) The applicant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks of his release;

(viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5. The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.