

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [BA] NO. 161/2021.

Santosh Madan Khule

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Mohd. Ateeque, Advocate for the Applicant.
Ms. S. Jachak, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : APRIL 23, 2021.

Heard learned Counsel for the parties
through video conference.

2. The applicant is seeking regular bail in connection with Crime No. 578/2020 registered with the Non-applicant Police Station for the offence punishable under Sections 406, 409, 420, 465, 468, 471 read with Section 34 of the Indian Penal Code. The applicant has claimed bail on the ground of innocence, false implication, inadequacy of evidence etc. Besides that the learned counsel for the applicant has produced certain documents including relevant pages of the

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enquiry report to contend that there are no specific allegations against the applicant.

3. On the other hand the Non-applicant State has resisted the bail by filing reply affidavit. It is contended that the applicant is involved in misappropriating huge government money to the tune of Rs.69.85 lakhs. By joining hands with the co-accused, the applicant has prepared false record and by showing false work, had misappropriated government money.

4. At the instance of a complaint lodged by the Extension Officer about misappropriation and irregularities in the work of Maharashtra Gandhi Rural Employment Guarantee Scheme, an offence came to be registered. At the instance the Collector, Washim, the Tahsildar has made an enquiry and submitted his report. It is alleged that near about 100 false construction works at Bramhanwads of Gram Panchayat was shown of which the applicant was Gram Sewak. It is alleged that the applicant despite his duty to keep the record of entire work carried out under the Scheme,

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had misplaced the record and prepared false register of labours and misappropriate government money.

5. During the course of investigation, panchnama regarding shet tale [field lake] was also drawn. Moreover, statement of various persons have been recorded to show that the work of constructing toilet was already done, however, under said pretext the amount was credited in the name of some others. The learned A.P.P. has submitted a chart showing 65 cases where in by showing false construction work, the amount was misappropriated. The investigation papers reveals that instead of paying money to the beneficiaries, the same was credited in the name of someone else to misappropriate the government money.

6. The enquiry report specifies the nature of misappropriation. The applicant was working as Gram Sewak at concerned Panchayat Samiti during the period of misappropriation. He being Gram Sewak was in day to day control of the implementation of the scheme. The investigation is still in progress. At this crucial

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juncture, if the applicant is released on bail, it may hamper the smooth process of investigation. Huge government money has been involved which necessitates to facilitate the investigating agency to carry the investigation in a fair manner to take the matter to its logical end. Having regard to these facts, at this juncture it is not safe to release the applicant on bail. Criminal Application is, therefore, rejected.

Rgd.

JUDGE