

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

CRIMINAL APPLICATION (BA) NO.629 OF 2021

(Santosh s/o Madan Khule (In Jail) Vs. State of Maharashtra thr. PSO PS Malegaon,
Tq. Malegaon, Dist. Washim)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. D. G. Dhoble, Advocate with Mr. Raju Kadu, Advocate for Applicant.
Mr. N. S. Rao, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 22nd SEPTEMBER, 2021.

The applicant is seeking bail in connection with Crime 578/2020 registered with Police Station Malegaon, District Washim, for offences punishable under sections 420, 409, 465, 468, 471 read with section 34 of the Indian Penal Code.

2. The crime is registered on the basis of complaint lodged by Mr. Madhao Sakhare, the Block Development Officer. Broadly, the complaint alleges financial irregularities in the works executed by the Gram Panchayat Malegaon, in the course of the implementation of the scheme under the Mahatma Gandhi Rojgar Hami Yogna ("Scheme").

3. The complaint is lodged on the basis of inquiry report which holds as many as fourteen officials of the

Panchayat Samiti, Malegaon responsible for the irregularities in the works. In the crime which is registered on the basis of the complaint, apart from the fourteen officials, the alleged beneficiaries and nine contractors are arraigned as accused. The applicant is the Gram Sewak of Village Panchayat Brahmanwada. The learned APP Mr. Rao states that the role of the applicant is confined to the irregularities in construction of toilet and soak pit.

4. The learned counsel for the applicant Mr. Kadu would submit that the investigation is complete, the charge-sheet is filed, and as many as four contractors who are allegedly involved in the irregularities with which the applicant is also charged, are released on bail noting their voluntary statement to deposit the financial benefit allegedly received. While two contractors are released on bail by the learned Sessions Judge, two contractors are granted bail by this Court.

5. The learned counsel Mr. Kadu has placed on record a praecipe voluntarily undertaking to deposit Rs.2,00,000/- (Rupees Two Lakh) in the jurisdictional court.

6. Considering that the applicant has no antecedents, that the investigation is complete, that it is not the case of the prosecution that a suspended applicant would be in a position to tamper with the evidence, and in the back-drop of the voluntary undertaking, a case for grant

of bail is made out.

7. The application is allowed.

8. Subject to deposit of the amount of Rs.2,00,000/- (Rupees Two Lakh only), the applicant be released on bail in connection with Crime 578/2020, registered with Police Station Malegaon, District Washim, for offences punishable under sections 420, 409, 465, 468, 471 read with section 34 of the Indian Penal Code.

9. The applicant shall be released on bail on executing personal bond of Rs.15,000/- with a solvent surety of like amount.

10. The applicant shall not directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

11. The applicant shall not leave the country without the permission of the trial Court.

JUDGE