

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

CRIMINAL APPLICATION (BA) 631 OF 2021

(Dattaprabhau Sahebrao Ghuge..vs.. State, thr PSO, PS, 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. R.M. Daga, counsel for applicant.
Mr. N.S. Rao, APP for non-applicant /State.

CORAM: ROHIT B. DEO, J.
DATE:17.09.2021.

Heard.

2. 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.

3. 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").

4. 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 one of the nine contractors, who according to the prosecution connived with the officers and secured monetary benefit without executing any work.

5. The learned counsel for the applicant Mr. R.M. Daga emphasizes that the investigation is complete and the chargesheet is filed and that the learned Sessions Judge was pleased to grant bail to as many as two contractors, who are similarly situated in the sense that similar allegations are levelled against them, in view of the willingness expressed by the said contractors to deposit the amount of the alleged illegal financial benefit received.

6. Mr. R.M. Daga states that the applicant would

voluntarily deposit Rs. 1.5 lac, without prejudice, in the jurisdictional Court before the release from the jail custody, if bail is granted.

7. It is trite law that bail cannot be granted only on the basis of such offer. However, considering that the investigation is complete, the documentary material is already in possession of the Investigating Agency and the applicants, who appear to be petty contractors, are not in a position to tamper with the documentary material, and as one of the consideration the voluntary offer to deposit the amount, the applicant can be released on bail. This Court notes that it is not even the case of the prosecution that the applicant has adverse antecedents or that he is likely to be a flight risk.

8. This Application is allowed.

9. Subject to deposit of the amount of Rs. 1,50,000 (Rupees One Lac Fifty Thousand), 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, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the 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

Belkhede