

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

CRIMINAL APPLICATION (ABA) NO.26 OF 2022

Panjabrao S/o Wamanrao Ghuge

Versus

State of Maharashtra, through P.S.O., P.S. Malegaon, Tq. Malegaon, Dist. Washim

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.L. Vairagade, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 17th FEBRUARY, 2022

1. The applicant by the present application filed under Section 438 of the Code of Criminal Procedure, is praying for grant of anticipatory bail in Crime No.578 of 2021 dated 31.12.2020 with Police Station Malegaon, District Washim on a complaint made by Madhaorao Ramkrushna Sakhare against the applicant and other 14 more accused persons for the offence punishable under Section 406, 409, 420, 465, 468, and 471 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on the directions of the Collector an inquiry was conducted through Tahsildar Ravi Kale. In turn he submits his report to the Chief Executive Officer, Zilla Parishad,

Washim. It is revealed in the inquiry that the present applicant who is Sarpanch of Village Bramhanwada and the other accused persons have misappropriated huge amount of 69,85,000/- by showing 100 false construction works within Bramhanwada Gram Panchayat under MANREGA scheme. Accordingly, the complaint was lodged and it was registered against the accused persons including the applicant.

3. Heard Shri Vairagade, learned counsel for the applicant and Shri Thakare, learned A.P.P. for the non-applicant/State.

4. The learned counsel for the applicant submits that this Court while considering the pre-arrest bail of one of the co-accused person i.e. Kuldeep Kamble who is Block Development Officer, Panchayat Samiti, Malgegaon, has granted bail vide order dated 02.03.2021. He submits that some other accused persons were also granted bail by this Court or by the Sessions Court. Thus, he prays for parity.

5. It is submitted that the applicant as a Sarpanch has no role in making the payments to the contractor and as such no offence attracts against him. Accordingly, he prays for grant of bail in the event of his arrest.

6. On the other hand, learned A.P.P. has made available case diary for perusal and from case diary, he has pointed out that detailed inquiry was carried out by the Tahsildar-Ravi Kale and in the inquiry, it is revealed that the applicant and other accused persons have misappropriated huge amount of Rs. 69,85,000/- by showing 100 false construction works within jurisdiction of Bramhanwada Gram Panchayat under MANREGA scheme.

7. Shri. Thakare, learned A.P.P. points out that under the signature of the present applicant, various payments came to be made to the contractors who are also accused in the present crime. He has further pointed out that the applicant has signed various registers, relating to works involved in the First Information Report. He therefore, submits that there is sufficient material collected by the investigation agency and his role in the alleged offence is apparent and accordingly, he prays for rejection of the application.

8. On perusal of the case diary and also contents of the First Information Report, it can be said that the role of the applicant in the alleged offence cannot be equated with the role of those accused persons who were released on bail and therefore, submission of the

applicant that he should be given parity, cannot be accepted.

9. As sufficient material has been collected by the police as well as there is a mention of such material in the report of the Tahsildar-Ravi Kale against the applicant, I am of the opinion, that this is not a fit case for grant of bail. Accordingly, I pass the following order:

10. The criminal application is **rejected**.

[ANIL S. KILOR, J.]

CHE TAN
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DHAKATE

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