

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

Anticipatory Bail Application No. 94 of 2022

Nilesh Kashiram Dhangre

Versus

State of Maharashtra, through Police Station Officer, Police Station
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 Firdoz Mirza, Advocate for the applicant.

Shri M.J.Khan, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 23rd MARCH, 2022.

In this case, the applicant is seeking pre-arrest bail in Crime No. 578 of 2020 registered with Malegaon, District Washim against 14 accused persons including the applicant for the offence punishable under Sections 406, 409, 420, 465, 468, 471 read with Section 34 of Indian Penal Code.

2. The allegations made in the First Information Report are that in Mahatma Gandhi National Rural Employment Scheme of the Government, some irregularities were found in the

inquiry of Tehsildar and it was also revealed on conclusion of the inquiry that the Government money has been misappropriated by the accused persons.

3. Shri Mirza, learned counsel for the applicant submits that he is working as Gram Sevak and he was in Gram Panchayat Bramhanwada for the period 9th October, 2018 to 9th August, 2019 and during this period total nine works were sanctioned and out of which seven were completed successfully. It is submitted that no specific allegations are there against the applicant, however because the period of irregularities is from 2017 till 2020, the applicant has been impleaded as co-accused.

3. It is submitted that during the inquiry by the Tehsildar, he has collected complete record and on the basis of that record, the inquiry report was prepared by him and the offence was registered. It is thus submitted that there is nothing to recover from the applicant and otherwise also he is not presently posted at Bramhanwada Gram Panchat but he is working at headquarter of Panchayat Samiti Manora. Accordingly, he prays for pre-arrest bail.

4. Shri Khan, learned Additional Public Prosecutor points out from the case diary that there

were gross irregularities committed by the accused persons and huge amount of public money has been misappropriated. It is submitted that recovery of job cards is necessary in this case and for that purpose custody of the applicant is necessary.

5. I have perused the case diary and also contents of the First Information Report and contents of the report of Tehsildar.

6. In the report of the Tehsildar, there are findings about the irregularities committed in the work carried out under the schemes of the Government. There is also a mention of misappropriation of public amount. However, the complete report is based on the documents collected by the Tehsildar for the purpose of inquiry. Thus, it is clear that the record relating to alleged offence is with the Tehsildar. As the applicant is not presently working at Gram Panchayat Bramhanwada, there is no question of having any record in his possession.

7. In that view of the matter as there is nothing to show why the custody of the applicant is necessary in this case. Thus, I am of the opinion that applicant is entitled for pre-arrest bail. There is one more reason for grant of pre-arrest bail i.e. this Court has already granted

pre-arrest bail to the co-accused vide order dated 21st October, 2021 in Anticipatory Bail Application No. 693 of 2021 and order dated 9th December, 2021 in Anticipatory Bail Application No. 483 of 2021. In the circumstances, I pass the following order.

ORDER

- i. Anticipatory Bail Application No. 94 of 2022 is allowed;
- ii. In the event of arrest of the applicant in Crime No. 578 of 2020 dated 31st December, 2020, registered with Melegaon Police Station, for the offences punishable under Sections 406, 409, 420, 465, 468, 471 read with Section 34 of Indian Penal Code, he shall be released on bail on furnishing P.R.Bond of Rs.15,000/- with a solvent surety of like amount.
- iii. Applicant shall attend the concern police station as and when his presence is required.

[ANIL S. KILOR, J.]

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