

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

CRIMINAL APPLICATION (ABA) NO.433 OF 2022

Anita Digambar Agashe

Versus

State of Maharashtra, through P.S.O., P.S. Pusad, Dist. Yavatmal (Rural)

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

Court's or Judge's Order

Shri G.M. Kubade, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 14/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.153 of 2022, dated 08.04.2022, registered with Police Station, Pusad, District: Yavatmal, for the offences punishable under Sections 420, 468, 470 and 471 of the Indian Penal Code.

2. Shri Kubade, learned counsel for the applicant submits that the applicant was working as Gram Sevika and whatever transactions were held, were held with the consultation of Sarpanch, Upsarpanch and Secretary of the Gram Panchayat. He submits that however, the offence was registered against the applicant only.

3. It is submitted that the applicant has been falsely implicated in the alleged offence. He submits that

custodial interrogation is not necessary because the applicant was on *ad-interim* bail during the pendency of her application before the trial Court and she attended the concerned Police Station for four months when she was on *ad-interim* bail.

4. The learned counsel for the applicant submits that the inquiry has already been conducted by Zilla Parishad, Yavatmal and therefore, nothing is to be recovered from the applicant. Accordingly, he prays for grant of bail.

5. On the other hand, Shri Sirpurkar, learned APP opposes the present application and submits that custodial interrogation of the applicant is necessary for seizure of receipts, vouchers and the documents relating to those transactions, which were done by the applicant. It is submitted that custodial interrogation of the applicant is also necessary to find out the other persons, who are involved in the alleged offence. Accordingly, he prays for rejection of the present application.

6. I have perused the Case Diary, Application and reply of the State.

7. At the relevant time, the applicant was working at village Hudi, Tq. Pusad, Dist. Yavatmal. The Extension Officer, Panchayat Samiti lodged the report upon the

direction of the Block Development Officer alleging that the applicant has misappropriated the amount of Rs.14,34,366/- by misusing his official position and by committing fraud by preparing false cheques under the name of the beneficiaries who have not taken the benefits of the certain schemes and got the said cheques honored by endorsing her signature.

8. Considering the nature of offence and the purpose stated by the learned APP for her custody, I am of the opinion that custodial interrogation of the applicant is necessary. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]