

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO.324 OF 2023**

PRASHANT BHARAT JAISWAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Narayan B. Narwade
APP for Respondents – State : Mr. S.R. Yadav Lonikar
...

**CORAM : NITIN B. SURYAWANSHI, J.
DATE : 14th JULY, 2023**

PER COURT :

1. This is second anticipatory bail application filed by the applicant, who is accused in C.R. No.639/2022, registered with Shevgaon Police Station, on 07/09/2022, for offences punishable under Sections 420, 465, 468 and 471 of the Indian Penal Code.

2. FIR is lodged by the engineer of MSDCL, Chapadgaon Branch, alleging that from the year 2018 the State Government introduced Chief Minister Solar Agricultural Scheme, under which general category agriculturists are entitled for 90% subsidy on the agricultural solar pumps. The applicant is running E-seva Kendra by name Munga Devi Communication. Applicant does not possess any agricultural land and hence, he is not eligible to apply under the said scheme. On 06/05/2022, by forging the 7/12 extract and other documents, he applied under the said scheme through his E-seva Kendra and obtained a solar pump under the said scheme, by

depositing 10% amount and sold the pump to some unknown person and cheated the Government. On the basis of said information crime was registered and the investigation is conducted. Earlier application filed by applicant in this Court was withdrawn on 02/01/2023.

3. Heard learned advocate for applicant and learned Assistant Public Prosecutor for respondents – State.

4. Learned advocate for applicant submits that there is change in the circumstance, in terms of interim anticipatory bail granted to the applicant he has attended the police station and cooperated in the investigation and that is the change in circumstance. He submits that the said scheme is introduced by the Government Resolution dated 15/11/2018, wherein guidelines and procedure to be followed while allotting solar pump on subsidy, to the eligible agriculturists are given. Applicant has submitted undertaking in terms of the Government Resolution and he has deposited amount of the solar pump. He further submits that it was duty of the District Level Committee, of which District Collector is President, and the officers of M.S.D.C.L. to verify the eligibility of beneficiaries, but at no point of time they have visited the spot before allotting solar pump in the name of applicant. Applicant is running E-seva Kendra, through which he had deposited 10% amount of number of beneficiaries. The said fact is being used

against him by leveling incorrect allegations that applicant has forged documents for obtaining benefit of the said scheme to ineligible beneficiaries. He submits that the applicant, therefore, deserves protection.

5. Learned Assistant Public Prosecutor opposed the application by relying on the investigation papers, contending that though applicant has attended the police station, he has not cooperated in the investigation. During the course of the investigation, applicant has admitted that though he does not possess any agricultural land, he applied for allotment of solar pump on subsidy. He also admitted that he had filed said application form as dummy form. Applicant has prepared forged documents on his own computer and has cheated the Government by illegally obtaining benefit of the said scheme for ineligible beneficiaries in his village. He has not disclosed as to whom he has sold the solar pump allotted to him under the scheme. His custody is necessary to ascertain as to for how many ineligible beneficiaries applicant has prepared forged documents and illegally obtained solar pumps on subsidy.

6. Perusal of the investigation papers show that FIR is lodged on 07/09/2022 and since then applicant is avoiding arrest. It is clear that though applicant was ineligible, he has obtained benefit of the said scheme, by applying for the said scheme on the basis of

forged documents. He has deposited 10% amount and obtained 90% subsidy on solar pump, under the said scheme and afterwards sold the said solar pump to somebody else. Applicant is not disclosing name of the person to whom said pump is sold.

7. There appears substance in the contention of the investigating officer that applicant has not cooperated in the investigation. Custodial interrogation of the applicant is necessary to ascertain as to for how many ineligible beneficiaries applicant has forged the documents and obtained benefit of the said scheme in their name. Custodial interrogation of applicant, therefore, is essential for the effective investigation. Hence, the applicant does not deserve discretionary relief of anticipatory bail. The application being devoid of merit, is rejected.

8. At this stage, learned advocate for applicant prays for continuation of ad-interim relief granted in favour of applicant. For the reasons stated in this order, said prayer is rejected. Interim relief granted earlier stands vacated.

(NITIN B. SURYAWANSHI, J.)