

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1598 OF 2023**

RUKMIN W/O AGATRAO GHOLVE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. S. S. Thombre, Advocate for the Applicant.

Mr. K. S. Patil, APP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 12th SEPTEMBER, 2023.

PER COURT:-

1. By this application, the applicant seeks regular bail in connection with Crime No.242/2023 registered with Yermala Police Station, Dist. Osmanabad for the offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by one Tukaram Jadhav, who is Block Development Officer, Panchayat Samiti at Kalamb. It is alleged that the accused persons have prepared a false documents depicting a Grampanchayat Resolution as well as No Objection Certificate in support of proposal towards various development works. It is alleged that forged document is prepared and misused to extract sum of Rs.1 Crore under the pretext of various development works purported to be carried out at Datta Mandir Sansthan. On the basis of the aforesaid report, Crime No.242/2023 came to be registered with Yermala Police Station. The applicant has been arrested on 22.08.2023 and thereafter she remanded in P.C.R. till 25.08.2023 and since then she is in M.C.R.

3. Mr. Thombre, learned Advocate appearing for the applicant would submit that in fact there is no siphoning of the funds. What is being alleged is fabrication of the documents i.e. false Grampanchayat Resolution, to propose various development works to be executed at Datta Mandir Sansthan. He would point out that the letter head on which is subject resolution is printed pertains to last term of the office bearers. He would point out that the name of the Sudhir Papale is shown as Up-Sarpanch, who was not holding that post on 22.03.2023, when such Resolution is purported to have been passed. He would, therefore, submit that pre-signed old letter head that was laying in the Grampanchayat office has been misused by some other persons. He would further point out that as soon as the aforesaid fact noticed by the applicant, vide communication dated 28.03.2023 informed to the Executive Engineer, Public Works Department that no such Resolution is passed by the Village Panchayat nor No Objection Certificate is issued. Apparently, such communication is signed by the applicant and Gram Sevak. Therefore, he submits that the applicant is innocent and her further detention may not be necessary. She is behind the bar from 22.08.2023. Hence, he urges for grant of bail to the applicant.

4. The learned APP strongly opposes the application. He would submit that the applicant has not denied her signature on the forged Resolution as well as No Objection Certificate. She would further submit that the investigation is still in progress. The release of the applicant may hamper the further investigation.

5. Having considered the submissions advanced, it can be gathered that although the fabricated documents in the form of

Village Panchayat Resolution dated 22.03.2023 was submitted and it bears signature of the applicant, the letter head which is used is not pertaining to the present term of the office bearers. The name of Mr. Sudhir Papale is shown as Up-Sarpanch, who was not holding post at the relevant time. Therefore, there is force in the contention of the applicant that old letter heads have been used for preparing false Grampanchayat Resolution. Mr. Thombre has rightly pointed out that even the Gram Sevak is granted interim protection by orders of this Court on *prima facie* finding force in the aforesaid submissions.

6. It appears from record that immediately on 28.03.2023 the communication is made by the applicant and other office bearers of the Grampanchayat pointing out that the letter dated 22.03.2023 depicting Village Panchayat Resolution as well as No Objection Certificate is not issued from the Grampanchayat and it has been prepared misusing old letter heads from Grampanchayat office. All these circumstances, *prima facie* show possibility that the letter head of the Grampanchayat might have misused by someone without knowledge of the applicant cannot be ruled out. Even otherwise, the investigation in the matter is substantially progressed. The relevant documents are already seized by the Investigation Agency. The applicant is behind the bar from 22.08.2023. She is a lady. Further detention of the applicant may not enure any benefit. However, she can be released on bail by putting certain conditions. Hence, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.

(ii) The applicant, Rukmin Agatrao Gholve be released on bail in Crime No.242/2023 registered with Yermala Police Station, Dist. Osmanabad for the offence punishable under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code on executing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicant shall not tamper with the prosecution evidence in any manner.
- b. The applicant shall attend the concerned Police Station once in a week i.e. on every Saturday between 10.00 am to 02.00 pm.

(iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE