

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 BAIL APPLICATION NO.1608 OF 2023

EKNATH SUBHASH LOMTE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for the Respondent/s – State : Mr. K. S. Patil
...

CORAM : S. G. CHAPALGAONAKAR,J.

DATE : 21.09.2023

PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.0242 of 2023, dated 09.08.2023 registered with Yermala Police Station, District Osmanabad, for the offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of information given by one Tukaram Jagan Jadhav that he is the Block Development Officer, Panchayat Samiti at Kallam. It is alleged that the accused persons with their common intention have prepared false documents to grab the amount of Rs. 1 (one) crore under the pretext of the various development works purported to be carried out by Datta Mandir Sansthan. On the basis of the aforesaid report, the offence was registered against the accused persons. The applicant has been arrested on 24.08.2023, since then he is behind the bar. The prayer of

the applicant for grant of bail has been rejected by the Court of Sessions vide order dated 01.09.2023.

3. Mr. Sudarshan J. Salunke, learned Advocate appearing for the applicant would submit that the applicant is alleged to have prepared false proposal on the letterhead of Grampanchayat. He would submit that the investigation in the matter is practically over. The applicant was remanded the police custody. However, no incriminating article is recovered from him. The statement of the witnesses are recorded. All the offences are triable by the Magistrate. The further detention of the applicant would not be necessary. He would further submit that even co-accused is already released on bail by order of this Court.

4. Mr. Patil, learned APP however strongly opposes the application. He would submit that the proposal for the various development works worth Rs. 1 (one) crore was submitted to local Self Government for Datta Mandir Sansthan, Malkapur. Applicant is a President of Trust. If his attempt to siphon the funds would have been successful, he would have received benefits. Therefore, there is complicity against the applicant in commission of offence.

5. Having considered the submissions advanced, it is the case of attempt to siphon the huge public fund, a proposal was routed through false resolution printed on letterhead of the Grampanchayat

in the name of development works to be carried at Datta Mandir Sansthan. However, in the midst, it was revealed that the resolution of Gram panchayat is made-up document. The inquiry was conducted at Zilla Parishad level to confirm source of false resolution and thereafter present F.I.R. is filed.

6. The applicant has been arrested during the course of investigation. For about a month, he is behind the bar. He was remanded to police custody. The investigation papers show that the statements of the relevant witnesses have been already recorded and the material evidence is gathered. The formality of filing of charge-sheet is remained. As rightly pointed out by Mr. Salunke, learned Advocate appearing for applicant all the offences are triable by the Court of Magistrate. Further detention of the applicant would not be necessary. Hence, case is made out for grant of bail subject to certain conditions. Hence, the following order :-

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Eknath Subhash Lomte be released on bail in connection with Crime No.0242 of 2023, dated 09.08.2023 registered with Yermala Police Station District Osmanabad, for the offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, on executing P.B.

and S.B. of Rs.50,000/- (Rs. Fifty Thousand only) each on following conditions:

- a) The applicant shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall visit the concerned Police Station once in a week i.e. on every Friday between 10.00 a.m. to 02.00 p.m.till filing of the charge-sheet.
 - c) The applicant shall not establish contact with any witness relating to present crime.
- (iii) Bail Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

shp/-