

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1648 OF 2022

Adesh Anil Adhav

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....

Mr. Krishna P. Rodge, Advocate for the Applicant

Mr. A.V. Deshmukh, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 06th JANUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.0440 of 2022 registered with Loni Police Station, District Ahmednagar for the offences punishable under sections 420, 468, 471 read with 34 of the Indian Penal Code.

2. Pursuant to the order passed in Writ Petition No.1386 of 2021, Sunil Pandurang Gaikwad, Police Inspector, Rahta Police Station has lodged FIR against retired Forest Officer Bhasker Thete, Forest Guard Sanjay Mohansing Bedwal, Forest Labour Anil Gopinath Adhav, and his son Adesh Anil Adhav (applicant). It is alleged in the FIR that 4 accused persons

have shown their close acquaintances, namely; Krushna Paraji Ghogare, Kiran Vijay Aher, Vivek Dattatray Ghogare, Suresh Rajendra Vikhe, Rushikesh Balasaheb Ghogare, Ajinkya Annasaheb Aher, Abhijit Janakinath Lavhate and Pratibha Anil Adhav as well as the present applicant as a forest labours, and transferred the labour payments in the accounts of these closes acquaintances. The labour payments transferred in their accounts were withdrawn in cash and handed over to the accused persons. The accused have thereby misappropriated amount of Rs.5,47,078/-.

3. Heard learned advocate for the applicant/s and learned Additional Public Prosecutor for the State. Perused the papers of the investigation.

4. Learned advocate for the applicant submits that the applicant himself had complained to the Collector, Ahmednagar, Superintendent of Police, Ahmednagar, etc. on 29/12/2021 contending that the persons making representation, who are named in the forgoing para are students, in private service and agriculturists. From account No.38608111484, some amount was transferred in their respective bank accounts, which was noticed by them. When they inquired with the Bank Officer, the said amount was

transferred in their accounts from the Government account of Social Forestry Department. Thereafter, Range Forest Officer, Forester and I/c. Forester, etc. employees from Social Forestry Department met them and by showing their identity card, they informed these persons that the said amount is wrongly transferred in their accounts from the Government account, and they should return back the said amount. Since the applicant and others had no concern with the said amount, they have returned back the said amount, which was transferred in their respective accounts. It is, therefore, contended that the applicant has not played active role in the alleged offence, and therefore, he is entitled for anticipatory bail.

5. Learned Additional Public Prosecutor strongly opposed the bail application contending that sufficient material is collected during the investigation showing active involvement of the applicant in the offence. He, therefore, submits that custody of the applicant is necessary for effective investigation. Hence, the application may be rejected.

6. It appears from the investigation papers that while the applicant was taking education in College, he was shown as forest labour. Huge amounts were transferred as labour

charges in applicant's account. The applicant has withdrawn the said amounts and handed over cash to the co-accused. Even the Collegemates and Schoolmates of the applicant namely; Krushna Paraji Ghogare, Kiran Vijay Aher, Vivek Dattatray Ghogare, Suresh Rajendra Vikhe, Rushikesh Balasaheb Ghogare, Ajinkya Annasaheb Aher, Abhijit Janakinath Lavhate were shown as forest labours, and labour charges were deposited in their accounts. The applicant made them, withdraw the said amounts and has collected cash from them and handed it over to the co-accused. Even the mother of the applicant, namely; Pratibha Anil Adhav, who is serving as a School Teacher is shown as *Van Majoor*, and labour payment was made in her name.

7. *Prima facie*, it appears that the applicant has played active role in commission of offence. Custody of the applicant is necessary for effective investigation. The applicant, therefore, does not deserve discretionary relief of anticipatory bail.

8. In the result, application is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane