IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3521 OF 2022

Vishal Uttam Suryawanshi ...Applicant
vs.
The State of Maharashtra ...Respondent

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Mr. Prashant Jadhav a/w Mr. Amol S. Suryawanshi, Adv. Purvi S. Sharma, Adv. Prathmesh Hande- Advocate for the Applicant
Mr. H. J. Dedhia - APP for the Respondent-State
Mr. Pramod R. Dixit – PSI Vaduj Police Station Satara

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CORAM : S. M. MODAK, J.

DATE : 24th JANUARY, 2023

<u>P. C.</u> :-

1. This Court has already heard learned Advocate for the Applicant and learned APP. Today both were heard on the point of the functioning of "Aaple Sarkar Seva Kendra". The Applicant is already protected from the arrest in view of the Order dated 04/01/2023. The attendance is also given. During attendance the Police have obtained the specimen signatures of the Applicant. Confirmation is sought for the reason that custodial interrogation is not required. It is matter of record that the Applicant has transferred an amount of Rs. 7,94,000/- (the same amount in respect of which there is an allegation that it has come to his share).

2. Learned Advocate for the Applicant on earlier dates and today also explained functioning of the scheme. According to him, the Applicant has no role to play so far as opening of the unauthorized account in IDBI Bank, Vaduj branch.

3. Learned APP opposed the confirmation for the reason that custodial interrogation is required in order to unearth modus operandi and yet main accused Riyaz Jallaluddin Patel and co-accused Vinod Bhanudas Salunkhe are absconding. He also invited my attention to the statement recorded of various Gram Sevaks from different Gram Panchayats. These Gram Sevaks have accepted money from needy persons for the services and the amount accumulated is to be transferred to the "Aaple Sarkar Seva Kendra" genuine account. The duties of the office bearers are laid down in Government Resolution dated 15/10/2020. The present Applicant was entrusted with the duty as Taluka Manager. I have perused it.

4. The scheme is launched for the purpose of giving service to the needy persons at local level. So purpose of scheme is defeated by misappropriating the amount by the persons who were entrusted that responsibility to impliment that scheme. It is true that the prosecution is not saying that the present Applicant has done the

formalities by opening unauthorized account in IDBI Bank, Vaduj branch but yet they have to unearth the modus operandi. It is matter of investigation that from this unauthorized account, the amount is transferred to the genuine account of the Applicant on more than one occasion and it is matter of investigation that the Applicant has withdrawn the amount from his personal account. This itself indicates that the Applicant was knowing about transfer of amount to his genuine account. At that time he was not protested and in fact withdrawn the amount.

5. So I think that the interim order cannot be confirmed. At this stage it will be difficult to opine that the role of the Applicant is limited. The Police needs to be given an opportunity of custodial interrogation. So no case of confirmation is made out. The amount deposited by the Applicant and giving handwriting samples are not the end of the investigation. The offence is serious. So the case for custodial interrogation is made out. Hence following order is passed:

ORDER

(a) The order granting interim protection stands vacated

(b) Application is disposed of.

[S. M. MODAK, J.]