IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 BAIL APPLICATION NO. 123 OF 2024

BALIRAM LAXMAN GHORPADE
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicant : Mr. Bilolikar Upendra Bapurao
APP for Respondent/State : Mr. Pratibha J. Bharad
.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 7th MARCH, 2024.

PER COURT :-

1. This is an application for bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.92 of 2018 registered with Police Station, Vazirabad, Nanded, Tq. & Dist. Nanded, for the offences punishable under sections 420, 467, 468, 471 read with 34 of the Indian Penal Code.

2. It is averred in the report by the Assistant Commissioner of Social Welfare Department, Nanded that Social Welfare Department of the State of Maharashtra has initiated a policy to provide funds to the Co-operative Societies of the scheduled caste. Tirupati Magasvargiya Audyogik Sahakari Sanstha Maryadit, Nanded applied for financial aid to the said Social Welfare Department for construction of building for business of granite and marble cutting.

Accordingly, initially Rs.6,88,68,000/- were granted to it. Out of that amount of Rs.1,00,00,000/- was deposited in the bank account of the said society. After completion of the proposed construction of the society, the society obtained certificate from the District Collector, Nanded and also sent proposal for seeking second installment. Accordingly, the second installment of Rs.3,82,07,600/- was granted. It was deposited in the joint account of the said society and Commissioner/Director of Social Welfare, Pune in Punjab National Bank branch old Mondha, Nanded. On the request of the society, a joint account along with Commissioner, Social Welfare, Pune was operated in the Central Bank of India, branch Kala Mandir, Nanded. That amount of Rs.3,82,07,600/- was deposited in that account of Central Bank of India.

3. The applicant is the Chairman and Vice Chairman is Suresh Shinde and Sarode Dnyandeo Kundlik is one of the Director of the said Society. They alongwith deceased co-accused Dinkar Shevale conspired together and forged the signature of the Commissioner, Social Welfare, Pune and Assistant Commissioner, Nanded on the letter sent to them and sent it to the Central Bank of India branch Kala Mandir, Nanded. They withdrew the entire amount of Rs.3,82,07,600/- and misappropriated that amount. Therefore, the report was lodged against the applicant and other co-accused.

4. The learned advocate for the applicant submits that the applicant is illiterate poor person. He has not benefited by any of the amount, which is alleged to have misappropriated by him. His signature might have been misused by other co-accused, for which he has been arrested in this crime only because he is Chairman of the Society. There is no criminal intention on the part of this applicant to misappropriate that amount. Imaginary allegations are made in the report. Suresh Shinde and late Dnyandeo Sarode, Secretary of that society have played vital role in the alleged commission of offence. This applicant is falsely implicated in the crime. Now the charge-sheet is filed. Custody of the applicant is not required further. It is lastly prayed to allow the application.

5. The learned APP for the respondent/State strongly opposed the application and submitted that the applicant is involved in the serious crime of duping huge amount of Rs.3,82,07,600/-. The applicant and other co-accused have cheated the State Government. They have forged the documents and signature by making false signatures and withdrawn the amount. The applicant is Chairman and he is main accused. The applicant was arrested approximately after five years after registration of the crime. He was absconding and there is no justification for the same. Considering the serious nature

of the crime, it is lastly submitted to reject the application.

6. Perused the charge-sheet, particularly the report and statements of the witnesses. The learned advocate for the applicant has submitted the statement showing withdrawal of the amount as stated in the supplementary statement of the informant. The said fact is not much disputed by both the sides. The learned APP pointed out the forged letters at page nos.426 and 390 of the charge-sheet, which were forged by the applicant and co-accused. The learned APP further pointed out the statements of the witnesses and fact constituting that huge amount of Rs.3,82,07,600/- is duped and there is substance in the submissions of the learned APP that the applicant and other co-accused have withdrawn that amount by forging the letters at page nos.426 and 390. The applicant being the Chairman of the said society is responsible person. The huge money of public/State Government is misappropriated. Considering the active role of the applicant in fabrication of the letters, he is certainly not entitled for bail. Though he has roots in the society his earlier conduct shows that he was absconding near about five years. Considering all these aspects, the application deserves to be rejected. It is accordingly rejected.

(SANJAY A. DESHMUKH, J.)

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