



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 136 OF 2024

Seemabai W/o. Anil Pawar
Age: 37 years, Occu.: Dy.Sarpanch,
R/o.Runmali, Tq.Sakri, Dist.Dhule

.....Applicant

Versus

The State Of Maharashtra
Through Nijampur Police Station,
Tq.Sakri, Dist.Dhule.

.....Respondent

.....

Advocate for Applicant : Mr. Sanket N. Suryawanshi
APP for Respondent : Mr.N.D.Batule

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 12 FEBRUARY, 2024

ORDER :-

1. Apprehending arrest in Crime no.1 of 2024 registered at Nijampur Police Station, District Dhule for offence under Sections 409, 420, 468, 471 r/w 34 of the Indian Penal Code (IPC), applicant has preferred instant anticipatory bail application.

2. Learned Counsel for the applicant would submit that there is apparently false implication merely on account of some deeds by applicant's husband. It is pointed out that applicant is a lady. That

there are allegations of misappropriation for a period from 2018 to 2021, however, FIR is lodged in January 2024. He points out that periodic Audit of each transaction was already got done and at no point of time, any irregularity or misappropriation is detected. He further emphasized that applicant being Up-Sarpanch also had no authority to approve transaction or cause signature, rather Sarpanch and Gram Sevak are the appropriate authorities. He pointed out that at no point of time, there was any delegation of powers to the applicant to append signature. It is pointed out that infact prime allegations are against her husband and not herself. That she is moreover ready to cooperate with investigating machinery and also undertakes to abide by all and any conditions imposed by this Court and resultantly prays for protection in the form of anticipatory bail.

3. Strongly opposing the relief, learned APP pointed out that there is embezzlement and misappropriation of public money to the tune of over Rs.80,00,000/-. That there is ample evidence about involvement of applicant. That there is record which reflects transfer of money to the account of applicant's husband for which no explanation whatsoever has been offered. Learned APP places on record for perusal of this Court investigation papers.

4. After hearing the submissions advanced by respective sides, it seems that offence is registered at Nijampur Police Station on 01-01-2024 and sum and substance of allegations on behalf of informant, who is a Extension Officer, is that husband of present applicant diverted funds received towards 15th Finance Commission under various heads enumerated in the FIR, to his personal account. Allegations are about drawing false bills. Complaints were received by the Chief Executive Officer, Zilla Parishad, the Deputy Chief Executive Officer, Zilla Parishad and the Block Development Officer regarding drawing false bills. This has been resulted into enquiry being undertaken by informant. According to him, on scrutiny of record, it was revealed that suspended Gram Sevak – C.P.Gaikwad, one Sitabai Damu Mal (Sarpanch) and present applicant have misappropriated funds. It is alleged that Audit of 2019-2021 was undertaken and the total amount of misappropriation is around Rs.75,88,782/-. Therefore, for above economic fraud, complaint seems to have been lodged.

5. After going through the investigation papers, *prima facie* it seems that cash books for relevant period are also laid hands by the investigating machinery. There are allegations of diversion of funds

of Gram Panchayat to the personal account of husband of present applicant. Since registration of FIR, according to learned APJ, accused are absconding including present applicant.

6. Considering the magnitude and nature of offence, this Court does not consider it a fit case to extend any protection as prayed for . According following order is passed :

ORDER

Anticipatory Bail Application No.136 of 2024 is rejected.

(ABHAY S. WAGHWASE)
JUDGE