



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

903 BAIL APPLICATION NO. 337 OF 2024

HARIKALYAN S/O JANARDHAN YELGATTE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Sanjay A. Wakure.

APP for Respondent/State : Mr. Satish A. Gaikwad.

...

AND

BAIL APPLICATION NO. 215 OF 2024

SURAJ SAMPAT BORDE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. S. S. Gangakhedkar a/w Mr. Rahul P. Cheble.

APP for Respondent/State : Mr. Satish A. Gaikwad.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 05th March, 2024.

P.C.:

1 Heard.

2 These are the applications, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.318 of 2023, registered with Anandnagar Police Station, District Dharashiv (Osmanabad), for the offences punishable under Sections 420, 409 and 201 read with 34 of the Indian Penal Code.

3 It is averred in the report that informant Ashok Kaleshwar Fartade is accountant of Municipal Council, Osmanabad. The District Collector, Osmanabad has formed committee vide letter dated 6th April, 2023 for carrying the inquiry of misappropriation of amount of Municipal Council, Osmanabad while disbursing the Government funds during implementation of the scheme. One Govind Bondar, Auditor of Zilla Parishad, Osmanabad was head of the committee and auditors of other Talukas Municipal Councils were the members of the committee. Accordingly, the committee submitted report dated 11th May, 2023. It was revealed that 1088 bills out of 2054 bills were not produced for scrutiny. Thereafter, Ramkrishna Jadhavar, Assistant Commissioner, Nagar Parishad, Administration department of Zilla Parishad, Osmanabad has also appointed one more committee vide letter dated 3rd August, 2023 headed by Laxman Kumbhar, who was CEO of Municipal Council, Naldurg and some others for carrying inquiry into the existence of alleged misappropriation or disbursement of the amount. The said committee has given its report dated 10th August, 2023 about the expenditure of Rs.27,38,78,100/- in absence of 514 bills alongwith vouchers while spending the Government funds. The applicants/accused were not keeping that bills and vouchers. Therefore, the report was lodged against them.

4 The learned advocates for applicants submitted that

specific role of these applicants is not pointed out either in the report or in the statements of witnesses. A particular amount is not alleged to have siphoned by these applicants. There is no any documentary or oral evidence *prima-facie* establishing that the applicants have committed such offence. The applicants have roots in the society. They will not flee away from the trial. The trial will take long period. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the applications and submitted that these applicants are involved in the serious crime of misappropriation of huge amount of public. They have forged the bills and vouchers. There is *prima-facie* serious evidence against these applicants. If the applicants are released on bail, certainly they will pressurize the prosecution witnesses and cause hindrance in the trial. It is lastly prayed to reject the applications.

6 Perused the charge-sheet, particularly, the report and the statements of witnesses, which are pointed out. Some documentary evidence is also pointed out. However, there are no specific allegations against these applicants that particular or certain amount is misappropriated by them. Even *modus-operandi* of these applicants is not pointed out. The role of these applicants is thus, vague and no specific role is attributed to them. At the most, there can be

departmental action which appears *prima-facie* from the record. The applicants have roots in the society. They will not flee away from the trial. The trial will take long period. The custody of these applicants is not necessary. Considering all these aspects, these applications deserve to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. Both these bail applications are allowed.
- II. The applicants in connection with Crime No.318 of 2023, registered with Anandnagar Police Station, District Dharashiv (Osmanabad), for the offences punishable under Sections 420, 409 and 201 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- each with surety of the like amount by each of them on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicants shall not tamper with the prosecution evidence, in any manner.

[SANJAY A. DESHMUKH, J.]