



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 300 OF 2024

Jibhau Sukdeo Patil And Others

VERSUS

The State Of Maharashtra And Another

- Mr. S. V. Suryawanshi, Advocate for the Applicants
- Mr. P. K. Lakhotiya, APP for the Respondents/State

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 30, 2024

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 20 of 2024 registered with Bhadgaon Police Station, Dist. Jalgaon for the offences punishable under Sections 420, 409, 406 read with Section 34 of the Indian Penal Code.

2. First information report indicates that the allegation made by the informant that there is misappropriation done in the construction of toilet blocks from period 2017 to 2020 under the Swatcha Bharat Mission. Allegation is that without constructing 19 toilet blocks, payments were made to the contractors.

3. Learned Counsel for the Applicants has drawn attention of the Court to the report submitted by the committee consisting of Deputy BDO, Extension Officer and Engineer. In the said enquiry, it was found that neither there is irregularity nor misappropriation as alleged by the complainant is done. It is his submission that even thereafter enquiries were conducted, no misappropriation is found in respect of the construction of the toilet blocks. Thus, it is his submission that there is no substance in the allegation and as such, the interim relief deserves to be confirmed.

4. Learned APP opposed the said submissions by drawing attention of the Court to the enquiry conducted by the then authority and report dated 17.12.2021 wherein though findings of misappropriation are not recorded, however irregularities were found. It is submitted that the complainant Vijay again moved the authorities at Zilla Parishad level and enquiry was conducted wherein it is found that 19 toilets were not constructed and payments were made to the contractors. Report dated 13.03.2022 accordingly indicates so.

5. It seems that complainant Vijay kept on making complaints with the authorities until he satisfied. Enquiry was conducted on 2021 and report dated 25.08.2021 indicates that there was neither irregularities nor misappropriation is done. In the next enquiry the committee had found irregularities but no case of misappropriation is made out. The third report does not show as to how earlier two reports were incorrect, however, finding is recorded 19 toilet blocks were not constructed. However, statements of these beneficiaries are not recorded during the investigation. As such, *prima facie* there is no material to indicate involvement of the Applicants in this crime. Liberty of the Applicants was protected by order dated 27.02.2024. There is nothing on record to indicate that the Applicants have misused their liberty.

6. In view of the above, application is allowed by confirming interim order dated 27.02.2024.

(R.M. JOSHI, J.)