



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 ANTICIPATORY BAIL APPLICATION NO. 470 OF 2024

Shubhash Shahuba Chormale

VERSUS

The State of Maharashtra and another

...

Advocate for Applicant : Mr. Kawale Laxman H.

APP for Respondents: Mrs. M.L. Sangit

Advocate to assist the A.P.P. : Mr. R.B. Rakhunde

...

AND

ANTICIPATORY BAIL APPLICATION NO. 471 OF 2024

Kamalbai Shrikishan Sarvade

VERSUS

The State of Maharashtra and another

...

Advocate for Applicant : Mr. Kawale Laxman H.

APP for Respondents: Mrs. M.L. Sangit

.....

CORAM : SHIVKUMAR DIGE, J.

DATED : 13th AUGUST, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No. 33 of 2024 registered with Shiradhon Police Station, district Dharashiv, for the offences punishable under Sections 166, 167, 181, 464, 468, 420, 409, 120-B r.w. 34 of the Indian Penal Code.
2. It is the prosecution's case that the informant had filed an application under Section 156(3) of the Code of Criminal Procedure

(for short "Cr.P.C.") before the J.M.F.C. As per the order passed on the said application, F.I.R. is registered against the applicants under the above referred sections. It is alleged that applicant in ABA No. 470 of 2024 is the Gramsevak of the village Padoli. It is alleged that during the period from 2015-2020, out of the funds allotted in 15th Finance Commission, an amount of Rs.3,04,156/- were misappropriated by the applicants and the co-accused.

3. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case due to the political rivalry. The informant is elected as sitting Sarpanch of the Gram Panchayat after the tenure of earlier Sarpanch is over. The amount alleged to be misappropriated is used as per the direction of the Government Circular. Moreover, the Block Development Officer had issued notice to the applicants to deposit the alleged misappropriated amount or face the action. In response to the said notice, the applicants have deposited the said amount. Considering this fact, the custodial interrogation of the applicants is not required and requested to allow the applications.

4. It is the contention of the learned APP alongwith learned counsel for assist to A.P.P. that the applicant in ABA No 470 of 2024 is Gram Sevak of Gram Panchayat Padoli, Tq. Kallamb, District

Dharashiv whereas applicant in ABA No. 471 of 2024 was earlier Sarpanch of the said Gram Panchayat. The applicants and co-accused have misappropriated the funds of 15th Finance Commission. Mere depositing the amount cannot be ground to dilute the seriousness of the offence. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the applications.

5. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. In the F.I.R. it is alleged that the applicants and co-accused have misappropriated the funds of 15th Finance Commission whereas it is the contention of the applicants that the said funds are used for implementing the Government schemes and the enquiry report submitted to that effect mentions about the same. It appears that the applicants and co-accused have deposited the alleged misappropriated amount in response to the notice issued by the higher authority. Whether the applicants are guilty or not will be a part of trial. Considering the allegations against the applicants, their custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The applications are allowed.

(ii) The interim anticipatory bail granted to the applicants vide order dated 20.03.2024 stands confirmed on same terms and conditions with following modifications:-

(a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

(b) The applicants shall not influence the informant and the prosecution witnesses, in any manner.

(SHIVKUMAR DIGE, J.)

rlj/