



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 541 OF 2024

Chandrakala W/o Govindrao KhadeApplicant

VERSUS

The State Of MaharashtraRespondent

.....
Ms. Sushama T. Jadhav, Advocate for applicant
Mr. A.R. Kale, APP for respondent-State
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd APRIL, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 115 of 2024, registered with Georai Police Station, Dist. Beed, for offences punishable under sections 420, 465, 467, 468, 471 of the Indian Penal Code.

2. FIR is lodged by Tukaram Gholap alleging that he has been serving as Gramsevak from 09.08.2022 at Gadi Grampanchayat. When informant took charge of Grampanchayat, at that time, Ankushrao Gaikwad was Sarpanch of Gadi Grampanchayat. Prior to Ankush Gaikwad, Uddhav Govindrao Khade and Chandrakala Govindrao Khade were Sarpanch of village Gadi. The Grampanchayat has M.R.E.G.S. Account in the

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Bank of India, branch- Anandwadi, Taluka- Beed. The old cheques of the said account were with Uddhav Khade and Gramsevak Dashrath Bhosale. However, they did not give the old cheques to informant. Informant and Sarpanch Ankush Gaikwad in a Grampanchayat monthly meeting dated 23.08.2023 by providing specimen of their signatures, secured cheque book bearing No. 174026 to 174050. In the aforesaid account, amount of Rs. 6,86,000/- was deposited by the Government. As the mobile phone of ex-Sarpanch Uddhav Khade was linked to the bank account, message of deposited amount was received by the then Sarpanch Uddhav Khade.

It is further alleged that cheque of Rs. 6,73,966/- issued to Amol Earth Movers, from the aforesaid account was dishonoured. Therefore, informant and Sarpanch Ankush Gaikwad inquired with the bank. It was disclosed to them by the bank that through RTGS dated 26.10.2023, amount of Rs. 2,56,410/- was credited into account of Ram Narayan Gade and amount of Rs. 4,27,410/- was credited to the account of Ganesh Sadashiv Veer by forging the signatures of informant and present Sarpanch Ankush Gaikwad and the cheques were issued when Uddhav and Chandrakala were Sarpanch of the Grampanchayat. Both Ram Gade and Ganesh Veer refused to re-

transfer the amount received by them in the account of Grampanchayat. Ex- Sarpanch Uddhav Khade, Ex-Sarpanch Chandrakala Khade, Gramsevak- D.G. Bhosale, Ram Gade and Sadashiv Veer conspired with each other and misused the cheque issued during the tenure of Uddhav Khade and Chandrakala Khade and by forging and fabricating the same, withdrawn the amount.

3. Heard learned advocate for applicant and learned APP for State. Perused the investigation papers.

4. It appears that applicant was Sarpanch for the period between 2015 to 2020. Her son was also Sarpanch and his mobile number is linked to the MREGS account in the bank. Applicant is 75 years old and has no control over the Grampanchayat record. Considering the allegations in the FIR, gender of applicant and her age, her pre-trial custodial detention is not necessary, as prima facie, nothing is to be recovered from her.

5. In the result, application is allowed.

6. In the event of arrest of applicant- Chandrakala W/o Govindrao Khade, in connection with C.R. No. 115 of 2024,

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registered with Georai Police Station, Dist. Beed, for offences punishable under sections 420, 465, 467, 468, 471 of the Indian Penal Code, she be released on executing Personal Bond and Surety Bond of Rs. 15,000/- with one surety in the like amount.

7. Applicant shall attend the concerned police station, from 29th April, 2024 to 4th May, 2024, everyday, between 10.00 am to 12.00 noon and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]