



drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.736 OF 2023

Manoj Ramchandra Dev

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. P. R. Katneshwarkar, Advocate for the applicant

Mr. D. R. Korde, APP for respondent - State

Mr. Rakesh N. Jain, Advocate for respondent No.3

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th APRIL, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 131 of 2023 registered with Akkalkuwa Police Station, District - Nandurbar for offence punishable under sections 420, 409 read with 34 of the Indian Penal Code.

2. Mahesh Potdar, In-charge Block Development Officer, Panchayat Samiti Akkalkuwa lodged FIR alleging that audit report of Akkalkuwa Gram Panchayat, for the year 2016-17 was received on 30th July, 2021. In the said report concerned Auditor has found some irregularities / illegalities, while utilizing funds. It is observed in the said report that Amarsing Hupa Valvi was Sarpanch of Akkalkuwa Group Gram Panchayat for the period

from 1st April, 2016 to 25th July, 2016. Manoj Ramchandra Dev (applicant) was Administrator on the said Gram Panchayat for the period from 26th July, 2016 to 12th December, 2016. Jagdish Sadashiv Borale was Administrator @ Agricultural officer Panchayat Samiti Akkalkuva for the period 13th December, 2016 to 31st March, 2017. Tajmohammad Allahrakha Makrani was Deputy Sarpanch of said Gram Panchayat for the period 1st April, 2016 to 31st March, 2017. Vijaysing Bhoma Jadhav was Gramsevak for the period 1st April, 2016 to 31st March, 2017. As per the Audit report, an amount of Rs.35,14,851/- was objectionable and royalty was not paid. Fund of Rs.6,92,900/- was spent but its documents were not furnished for audit. Expenditure for repairing water pipeline of Rs.1,57,602/- was objectionable. An amount of Rs.52,83,917/-, which was utilized for water supply was objectionable. In short, it is alleged that total amount of Rs.87,98,768/- was objectionable for the period 2016-2017 and for that Sarpanch, Deputy Sarpanch, Gram Sevak, Administrators and Village Development Officer are responsible.

In the audit report of 2017-2018, it was found that Jagdish Sadashiv Borale was Administrator for the period 1st April, 2017 to 9th October, 2017, Smt. Ushaba Pravin Bora was Sarpanch for the period 10th October, 2017 to 31st March, 2018, Vijaysing

Bhoma Jadhav was Village Development Officer for the period 1st April, 2017 to 6th February, 2018 and Ananda Padvi was Village Development Officer for the period 7th February, 2018 to 31st March, 2018. As per said audit report, total amount of Rs.1,50,67,000/- was objectionable for the period 2017-2018 and Sarpanch, Deputy Sarpanch, Administrator, Village Development Officer and Gramsevak are responsible for the same.

Audit report for the period 2018-2019 was received and it was found that Ushabai Pravin Bora was Sarpanch for the period from 1st April, 2018 to 31st March, 2019 and Ananda Padvi was Village Development Officer for the period 1st April, 2018 to 31st March, 2019. In short total amount of Rs.96,13,725/- was found objectionable and for that the then Sarpanch and Village Development Officer are responsible.

Thus, total objectionable amount is Rs.3,34,79,493/- for the financial years 2016-17, 2017-18, 2018-19 and accused Jagdish Borale, Administrator, Manoj Dev - Administrator (applicant), Vijaysingh Jadhav - Village Development Officer, Ushabai Bora - Sarpanch, Ananda Padvi - Village Development Officer, Umesh Padvi - President Gramkosh Samiti, Rajshri Padvi - Member Gramkosh Samiti, Ishar Valvi - then President Gramkosh Samiti, Supdibai Padvi - Member Gramkosh Samiti, Amarsing Valvi -

President Gramkosh Samiti and Pratapsing Padvi - Member Gramkosh Samiti are responsible during their respective tenure.

3. Heard learned advocate for applicant, learned APP for the State and learned advocate for respondent No.3. Perused the papers of investigation.

4. Admittedly, applicant has worked on the post of Administrator (Extension Officer, Panchayat Samiti, Akkalkuwa), during the period between 20th June, 2016 to 12th December, 2016. Zilla Parishad had conducted inquiry into the allegations and to the extent of applicant, it was found that there was no misappropriation during his tenure and he is not liable for any recovery. It is held against applicant that, he failed to properly supervise the works and keep subordinate officers under control.

5. Considering the fact that applicant was holding the post only for 6 months and his involvement is not found in the alleged offence during inquiry so also in the investigation and since investigation pertains to documents, which are already seized by Investigating Officer, custodial detention of applicant is not necessary.

6. In view of aforesaid, anticipatory bail application is allowed, by confirming interim protection granted to applicant. Till filing of

charge sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

drp/aba736-23.doc