



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 634 OF 2023

MUKUND NARAYAN KHADE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Pravin N Kalani, Advocate for Applicant
Mr. A.R. Kale, APP for Respondent – State

...
WITH
ANTICIPATORY BAIL APPLICATION NO. 602 OF 2023

PRADIP SUNIL MUNDE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. S.C. Swami, Advocate for Applicant
Mr. A.R. Kale, APP for Respondent – State

...
WITH
ANTICIPATORY BAIL APPLICATION NO. 656 OF 2023

MANOHAR PANDHARINATH DAKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. S.J. Salunke, Advocate for Applicant
Mr. A.R. Kale, APP for Respondents – State

...
WITH
ANTICIPATORY BAIL APPLICATION NO. 951 OF 2023

SUDHAKAR MAHADEV BAHIR
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Vishnu Patil, Advocate h/f Mr. P.D. Bachate, Advocate for
Applicant
Mr. A.R. Kale, APP for Respondent – State

...
CORAM : NITIN B. SURYAWANSHI, J.
DATE : 08th FEBRUARY, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.36/2023, registered with Pimpaldari Police Station, Parbhani, for offence punishable under Sections 420, 409, 467, 468, 465, 471 r/w 34 of the Indian Penal Code.
2. FIR is lodged by Ankush Rohidas Chavan, Block Development Officer, alleging that Santosh Dasharath Pande, Gram Sevak, Grampanchayat Shelmoha, Laxmibai Ghobale, the Sarpanch of Grampanchayat Shelmoha, Manohar Pandharinath Dake, Branch Engineer, Panchayat Samiti, Gangakhed, Mukund Narayan Khade, Gram Sevak (Retired), Sudhakar Mahadev Bahir, Panel Technical Officer, Gangakhed, Pradip Sunil Mundhe, Village Employment Officer, Gram Panchayat Shelmoha, have collectively committed misappropriation of Rs.1,11,66,105/- by preparing false and bogus official record and without doing actual work at village Shelmoha, in respect of 9 schemes from the year 2015-16 to 2020-21.
3. Heard learned advocates for applicants and learned APP for the State. Perused the investigation papers.
4. Inquiry is conducted on the directions of Chief Executive Officer, wherein liability was fixed on the concerned officers. On applicant Manohar Pandharinath Dake liability of Rs.1,92,233/- was fixed, which he has deposited to Panchayat Samity. Liability of

Rs.1,57,000/- was fixed on Sudhakar Bahir, who has deposited the same with Gram Panchayat, Shelmoha, on 26/06/2023. Liability of Rs.1,57,000/- was fixed on Pradip Munde who has deposited the said amount with Gram Panchayat Shelmoha. Applicant Mukund Khade has retired on 31/05/2018 as Village Development Officer, Panchayat Samity, Gangakhed, on superannuation. He claims that there are no allegations about any misappropriation against him as he has retired long back and he is not custodian of any document.

5. On perusal of investigation papers, it is clear that allegations against applicants are in respect of misappropriation of Government funds by fabricating the record and without doing work amounts were shown to have been spent on them. All the relevant documents are already seized by investigating officer and investigation appears to be on the verge of completion. Applicants were granted interim protection and they have co-operated in the investigation. Nothing is to be recovered from applicants. Applicants have already deposited the amounts for which they were held liable. Their pre-trial custodial detention and/or interrogation is, therefore, not necessary.

6. Applications are therefore, allowed.

7. In the event of arrest of applicants in connection with C.R. No.36/2023, registered with Pimpaldari Police Station, Parbhani,

for offence punishable under Sections 420, 409, 467, 468, 465, 471 r/w 34 of the Indian Penal Code, applicants be released on executing P.B. and S.B. of Rs.15,000/- each, with one surety in the like amount.

8. Till filing of charge-sheet applicants shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)