



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1061 OF 2023

Ashabai W/o Nandu Bhakt

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 1062 OF 2023

Madhav Malhari Dhakane

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondents

.....

Mr. Rahul R. Karpe, Advocate for Applicants
Mr. A.A. Khan, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th APRIL, 2024

ORDER :

1. Applicants apprehend arrest in Crime No.483 of 2023, registered with Newasa Police Station, District-Ahmednagar for offences punishable under sections 409, 420, 465, 468, 471 of the Indian Penal Code.

2. FIR is lodged by Navnath Devrao Pakhare, Extension Officer, who has been directed to conduct inquiry in respect of alleged fraud and misappropriation of amount of Rs.18,33,500/- at the instance of present applicants, who

happened to be Gramsevak and Sarpanch of village Dighi, Taluka-Newasa. After inquiry, it is found that applicants have misused and misappropriated the said amount for their own benefits in respect of various work mentioned in FIR, as for instance, construction of compound wall of Zilla Parishad School, compound of courtyard, fixing bed locks at courtyard, cement concrete road for Dighi Newasa area, etc. The main allegations and the outcome of inquiry against applicants is that they have neither obtained technical sanction of Public Works Department for said work, neither they have obtained any estimation of work, nor the work completion certificate from Public Works Department. They have also not obtained the valuations of the said different works. Thus, without obtaining any such permission and without following proper procedure, applicants have withdrawn huge amounts from their official Bank account and paid it to the concerned contractor, which is received to them under 14th Finance Commission.

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

4. It is a matter of record that the alleged misappropriated amount of Rs.18,33,500/- is already

deposited by accused persons. So far as allegations about fabrication of completion certificate etc. is concerned, those documents are already seized by the Investigating Officer. At the most, temporary misappropriation can be alleged against applicants.

5. Investigation pertains to documents, which are already seized by the Investigating Officer. Applicants were granted interim protection by order dated 04.07.2023 and they have attended the concerned police station and co-operated in the investigation. In that view of the matter, pre-trial custodial detention of applicants is not necessary in the facts of the present case.

8. Applications are therefore allowed by confirming interim protection granted to applicants by order dated 04.07.2023.

9. Till filing of charge-sheet, applicants shall attend the concerned police station on every Saturday and Sunday between 10.00 a.m. and 02.00 p.m. and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE