



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1483 OF 2023

Kaushalya Dilvarising Valvi ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. Rohit P. Patwardharn, Advocate for the Applicant

Mr. A.R. Kale, APP for Respondent – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 01st MARCH, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No.344 of 2023 registered with Akkalkuva Police Station, District-Nandurbar for the offences punishable under sections 409, 420 read with section 34 of the Indian Penal Code.

2. FIR is lodged by Lalu Jegata Pawara, Block Development Officer, Panchayat Samiti, Akkalkuva alleging that complaint was received from local MLA that in the *Gharkul* scheme implemented in the year 2019-2020 at Group Gram Panchayat, Rampur, Taluka-Akkalukuva, original beneficiaries were kept aside and bogus beneficiaries have obtained the benefits and the amount of grant was misappropriated. One beneficiary has obtained benefit of

Gharkul scheme twice or thrice. While giving the benefit of the said scheme, the then Gram Sevak, Gram Rojgar Sevak and Sarpanch have misappropriated the Government amount. It is further stated that during that period, an amount of Rs.1,20,000/- was sanctioned in *Pradhan Mantri Awas Yojna* to one S.G. Walvi. Accused persons have diverted the said amount to the account of Pratapsing Atarya Walvi and misappropriated the said amount. From going through the record, it is found that in 2019-2020, Prakash Pratapsing Walvi has taken benefit of *Shabri Gharkul Yojna*. Similarly in the year 2005-2006, his father Pratapsing Walvi has taken benefit of *Indira Awas Yojna*. One family is entitled for one *Gharkul*, however, repeated benefit of *Gharkul* Scheme was given to family.

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

4. An enquiry was conducted by Project Director and Block Development Officer into the complaint made by a local MLA. In the said enquiry, applicant who was the then Sarpanch was not indicted.

5. From the procedure of implementation of the said scheme, it appears that Sarpanch has no role to play in disbursement of the grant of *Gharkul*. It is further pointed out that said Pratapsing Walvi has reimbursed the amount of Rs.1,00,000/-

6. Applicant was Sarpanch during the year 2019-2020. Presently, she is not custodian of any document. The investigation pertains to documents, which are either seized by the Investigating Officer or they are with the Gram Panchayat or Panchayat Samiti. Considering the gender of applicant and as she was granted interim protection and she has co-operated in the investigation, her pre-trial custodial detention is not necessary, as nothing is to be recovered from her.

7. Application is therefore allowed by confirming interim protection granted to applicant by order dated 05.09.2023.

8. 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