



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1675 OF 2023

Sarika W/o Manoj Pere

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....

Mr. A.B. Kale h/f. Mr. R.V. Gore, Advocate for Applicant.

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

Mr. A.S. Radikar, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 329 of 2023, registered with Bidkin Police Station, Aurangabad, for the offences punishable under Sections 420, 403, 406, 408, 409, 465, 468, 471 read with 34 of the Indian Penal Code.

2. FIR is lodged by Devidas Gawali, Extension Officer (Panchayat Samiti, Paithan) alleging that applicant was Sarpanch of Village Panchayat, Bidkin during the period 19.11.2017 to 18.11.2022. On the basis of complaint lodged by one Nanhekha Gulabkha Pathan, under section 39(1) Maharashtra Village Panchayat Act, Chief Executive Officer, Zilla Parishad, Aurangabad, constituted three members inquiry committee.

Bhagyawant Punde

Thereafter, inquiry committee submitted its report on 03.03.2023, wherein five objections were raised against applicant i.e. getting work done by JCB instead of 82 labourers under Maharashtra Rural Employment Guarantee Scheme, E-auction policy was not followed and different cheques were given to single supplier on same day, permission of CEO was not obtained for allotment of shops, non-holding of Gramsabha between 31.08.2018 to 25.11.2019 and benefit of Pradhan Mantri Awas Yojna given to some other person than the beneficiary in the waiting list. Pursuant to which explanation from applicant and accused No. 2 was called. Explanation of applicant was not found satisfactory, hence, FIR in question was lodged alleging that applicant has misappropriated amount of Rs. 68,28,550/- of Gram Panchayat.

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

4. It appears from the investigation papers that allegations of irregularities in conducting work of Village Panchayat are levelled against applicant. During the course of investigation, *prima facie*, no material is found to suggest that

applicant has misappropriated the amount. Admittedly, applicant is no more on the post of Sarpanch. There appears substance in the contention of applicant that due to political rivalry she is falsely implicated in the present crime. Investigation pertains to documents which are either seized or are in the custody of Gram Panchayat or Zilla Parishad. Since, applicant is not a member of Village Panchayat at present, she does not have control over said documents.

5. Applicant was granted interim protection and she has co-operated in the investigation. In the peculiar facts of the present case, custodial interrogation of applicant is not necessary. Investigation appears to be on the verge of completion.

6. In the result, application is allowed by confirming the interim protection order dated 11th October, 2023.

7. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by investigation officer and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]