



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2276 OF 2023

PANKAJ RAMESH NAGRALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket Vagal a/w Adv. Divesh Mehani a/w Adv. Savvy
Kolhekar a/w Adv. Kunal N. Pednekar for the Applicant.

Mr. S.H. Yadav, APP for the State.

PSI Pralhad Pawar, Yeola Taluka Police Station.

CORAM : M. S. KARNIK, J.

DATE : APRIL 24, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 420, 467, 468, 471, 409, 201 and 34 of the Indian Penal Code registered on 26/06/2019 vide C.R. No.118 of 2019 with Yeola Taluka Police Station.
3. The applicant at the relevant time was working as a Block Development Officer (BDO). Learned APP while opposing the application submitted that being BDO it was

the responsibility of the applicant to verify the proposals for the grant of wages to the workers. It is submitted that accused Nos. 2 and 3 have tendered forged and fabricated wage bills in fictitious names and thereby misappropriated an amount of Rs.41,00,000/- (Rupees Forty-One Lakh). It is submitted that the money which was to be utilised for payment to the workers appointed under the scheme was utilised by the accused resulting in wrongful gain to them.

4. So far as the accused Uttam Lahanu Jondhale is concerned, he was enlarged on bail by order dated 15/09/2023 in Bail Application No. 133 of 2023. For ease of reference, the order is reproduced. The same reads thus:

"2. This is an application for bail in respect of the offence punishable under Sections 420, 467, 468, 471, 409, 201 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 26/06/2019 vide C.R. No.118 of 2019 with Yeola Taluka Police Station, District Nashik.

3. The applicant was arrested on 03/05/2022. The applicant is now in custody for 1 year and 4 months. The investigation is complete and the charge-sheet has been filed. The allegations in brief are that the applicant was working as Rojgar Sevak of Village Murmi, Taluka Yeola, District Nashik. The accusation is that the Government of Maharashtra had sanctioned Rs.41 Lakhs for various development works during the period 2016-19. There are in all 4 accused. The Sarpanch and an officer of Zilla Parishad are also accused. It is the contention that

the accused person did not carry out the developmental work sanctioned by the State government. The responsibility of the applicant was to maintain a wage register of payment to the industrial workers but had no authority to sanction any work. It is the accusation that the applicant had prepared false and fabricated muster roll of labourers.

4. Learned APP opposed the application contending that the applicant was involved in a serious offence. It is submitted that the applicant has misappropriated the amount which belonged to the public at large.

5. Learned counsel for the applicant further states that the applicant has been facing departmental action. Since the investigation is complete and the charge-sheet has been filed, custody of the applicant is not necessary as the trial is likely to take long time to conclude. There are no criminal antecedents reported against the applicant. There is no likelihood of applicant evading trial. The applicant will face the consequences post-trial if he is found guilty."

5. There is nothing on record to indicate that the applicant is a beneficiary of the aforesaid amount or any part thereof. Learned counsel for the applicant submitted that on record there are some statements of the workers who say that they have received wages. There are statements of some workers who say that they have not received wages. According to learned counsel for the applicant, the proposal which was fabricated was prepared by accused Nos. 2 and 3. Learned APP submitted that the

applicant should have verified the proposal which he failed to do so apart from the applicant being hand in glove with the other accused.

6. The applicant was arrested on 06/05/2022 and is now in custody for more than 1 year and 10 months. The trial is not likely to conclude any time soon. The investigation is complete and the charge-sheet has been filed. The applicant is not a flight risk. Prolonging the custody of the applicant will be a pre-trial punishment. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Pankaj Ramesh Nagrale in connection with C.R. No.118 of 2019 registered with Yeola Taluka Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall not directly or indirectly make

any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

(M. S. KARNIK, J.)