

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

ANTICIPATORY BAIL APPLICATION NO. 2737 OF 2024

Namdev Ramchandra Tambe

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Balasaheb Deshmukh, for Applicant.
- Ms. Rutuja A. Ambekar, APP for Respondent.
- Mr. Pratik Deshmukh i/b Mr. Vivek Rane, for Intervenor

CORAM : MANISH PITALE, J.

DATE : 10th OCTOBER, 2024.

P. C. :

1. Heard, Mr. Deshmukh, learned counsel for the applicant and Ms. Ambekar, learned APP for the respondent-State.

2. The applicant has approached this Court, as he is apprehending arrest in connection with First Information Report No.0151 of 2024, dated 14.08.2024, registered at Police Station Savantwadi, District Sindhudurg, for offences under Sections 474, 471, 468, 467, 465, 409 and 406 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The FIR is registered, on the basis of a statement given by the Extension Officer of Panchayat Samiti, Savantwadi. In the detailed statement, various allegations have been made against the accused persons, including the applicant as regards misappropriation of amount to the tune of ₹ 72,81,076/-.

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The applicant is working as Gram Sevak and the allegation against him is that he was party to a fraud committed on the Gram Panchayat, due to which the aforementioned loss was caused. The other accused persons include the then Sarpanch and the contractors to whom the works were allotted.

4. The learned counsel for the applicant submits that the allegations pertain to the period of about 3 years between 2021 to 2023 and about 15 works carried out by the Gram Panchayat. It is submitted that as the Gram Sevak, the applicant performed all his duties with diligence, including uploading the relevant documents as regards awarding of contracts for the said works. The learned counsel for the applicant narrated in detail as to the procedure adopted during execution of such works. It was submitted that not a single Paisa is paid by cash and payment is disbursed only after the uploaded documents are checked and verified by the Block Development Officer, who digitally signs upon verification. It is further submitted that annual audits are conducted by the Government Auditor and as regards the aforesaid period, in the audit reports there was no objection raised with regard to the said works. It was submitted that since some of the documents, perhaps due to technical reasons, could not be uploaded, the FIR proceeds on the basis of documents that could be downloaded from the website, without verification from the original files available in the office of the Gram Panchayat. It is submitted that the applicant is ready to cooperate with the investigation and to produce all

documents available in the office of the Gram Panchayat and in his possession also, as and when they may be demanded by the Investigating Officer.

5. The learned APP, on the other hand, submits that serious offences are registered against the applicant, who is a Gram Sevak of the Gram Panchayat and by holding the said position, he is necessarily directly involved in the award of such contracts and the execution of the works. The allegations being serious, it is submitted that indulgence may not be shown to the applicant and that time may be granted, so that the investigation papers can be produced.

6. The learned counsel having instructions to appear on behalf of the original complainant, whose complaint eventually led to the Extension Officer of the Panchayat Samiti filing the FIR, submits that the said complainant intends to file an intervention application.

7. While the learned APP can be granted time to produce the investigation papers, and the complainant may file his intervention application, considering the material on record, this Court is inclined to grant interim relief in favour of the applicant. There is *prima facie* substance in the contention raised on behalf of the applicant that in the light of the elaborate procedure provided in such cases, wherein the works are awarded only after bids are invited and the entire procedure is digitally verified and confirmed,

the applicant as the Gram Sevak ought to be granted opportunity to produce necessary documents. It cannot be concluded at this stage itself that the applicant is directly responsible for misappropriation of amount, if any. There is no allegation of any cash amount having been disbursed. If at all there is any short fall of documents and the applicant as the Gram Sevak, is ready to produce all necessary documents, an opportunity can be granted, as the applicant has undertaken to cooperate with the investigation.

8. In view of the above, there shall be interim order in the following terms :

- (A) Till the next date of listing, in the event the applicant is arrested in connection with FIR No.0151 of 2024, dated 14.08.2024, registered at Police Station Savantwadi, District Sindhudurg, he shall be released on bail, on furnishing PR Bonds of ₹ 25,000/- and one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 12th October, 2024 and 14th October, 2024 between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicant shall cooperate with the investigation and produce such documents as are in his possession, which

may be demanded by the Investigating Officer.

- (D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

10. List the application for further consideration on **19th November, 2024, “High on Board.”**

(MANISH PITALE, J.)