

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. Sardar Patil, PSI, Sawantwadi Police Station, present.
- Mr. M.S. Sawant, H.C, Sawantwadi Police Station, present.

CORAM : MANISH PITALE, J.

DATE : 18th DECEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. In this application on 10th October, 2024, this Court granted interim relief in favour of the applicant with a direction for him to remain present before the Investigating Officer on specific dates. While granting interim relief, this Court had observed as follows :

“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

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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.”

3. Today, the learned APP has vehemently opposed the present application and relevant portion of the investigation papers are produced before this Court for perusal. By referring to those investigation papers, it is brought to the notice of this Court that even before the FIR was registered, an enquiry was instituted when suspicious dealings were found in respect of the 15 works concerning the *Gram Panchayat*. It came to light that some of the contractors were paid certain amounts in their account which appear to be in excess of the works that they had done. One of the contractors specifically stated that when he approached the applicant, who was working as *Gram Sevak*, the applicant allegedly told him that due to some error in the software, such payments had been made into his account and that they will have to be

refunded. It is alleged that in this situation, the applicant put pressure on the said contractor, stating that since money of *Gram Panchayat* is involved, he would have to do as the applicant instructed. Thereafter, such excess amounts were allegedly transferred in accounts of third persons, as indicated by the applicant and some amount was paid in cash to the applicant. This is an extremely serious allegation.

4. Apart from this, one of the statements in the investigation papers show that amounts were transferred not only in favour of co-accused contractor, but an amount of ₹ 3,50,000/- was paid by the said contractor directly into the account of the applicant. Being a *Gram Sevak*, it is inexplicable how such huge amount was received in the bank account of the applicant in the context of such persons, who were directly involved with the works pertaining to the *Gram Panchayat*.

5. In this context, the learned counsel for the applicant submitted explanation can be given if time is granted. But, the aforesaid material, as also statements of certain employees of the *Gram Panchayat*, not only indicate strong suspicion about wrongdoing on the part of the applicant, but it also indicates receipt of financial consideration directly into the personal account of the applicant, for works concerning the *Gram Panchayat*.

6. Such material indicates that the procedure having been followed

prior to the contracts being awarded and disbursal of amounts being made strictly in terms of established procedure, cannot be an explanation on the part of the applicant. The material brought to the notice of this Court by the learned APP does create strong suspicion about the role of the applicant in the present case, which involves serious offences, including offences under Sections 409 and 467 of the IPC. The controversy in the present case indicates that public money was swindled and in the light of the contents of the documents in the investigation papers, this Court is of the opinion that no indulgence can be shown to the applicant.

7. The application is dismissed. The interim order is vacated.

(MANISH PITALE, J.)