



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.71 OF 2024

Kishor s/o Madhukar Wagh and another
Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Jalgaon Jamod, District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. M. Tirukh, Advocate for applicants.
Mr. Ganesh Umale, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/06/2024

1. By this application, the applicants are seeking pre-arrest bail in connection with Crime No.714/2023 registered with Police Station Jalgaon Jamod, District Buldhana for the offences punishable under Sections 420, 468 and 471 of the Indian Penal Code.

2. The applicants are apprehending arrest as the crime is registered on the basis of report lodged by Taluka Agricultural Officer, Jalgaon Jamod, alleging that during the period 01/04/2019 to 13/12/2023, the applicant No.1 has cheated the Government to the extent of Rs.14,48,137/- and applicant No.2 has duped to the extent of Rs.17,49,250/-. As per the allegations, the Government has floated a scheme to credit subsidy amount in the bank account of the farmers and present applicants are the sellers of the

agricultural equipments. In view of the said scheme, the farmers have to apply for the agricultural equipments on-line. Thereafter, the Agricultural Superintendent, Taluka Agricultural Officer and District Agricultural Officer have to verify and the agency of the present applicants to provide the agricultural equipments by floating the bills. It reveals to the investigating agency that present applicants have forged the bills and therefore, a crime is registered against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the role of the present applicants is concerned which is only to the extent of supplying the agricultural equipments and issuing the bills, they are not at all concerned with the procedure carried out either by the farmers or the Agricultural Officers. He further submitted that subsidy amount is already transferred in the account of the farmers. As far as the allegation regarding forgery is concerned, there is no material to connect the present applicants to show that they have forged the bills. He further submitted that in fact the agency has not provided any equipments to the present applicants and therefore, they could not distribute the same to the agriculturists. He further invited my attention towards the reply wherein it is mentioned that custodial interrogation of the present applicants is required for the recovery of the money. He submitted that in fact, the farmers have already

received the amount in their account, therefore question of recovery of money from the sellers doesn't arise and therefore, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that during the investigation it reveals that the applicants have forged the bills and thereby committed an offence, their custodial interrogation is required for the purpose of collecting the proposals which they have received from the agriculturist. In view of that the application deserves to be rejected.

5. After hearing the learned Counsel for the applicants and learned APP for the State, perused the investigation papers, from which it reveals that it was the farmers who have to apply online. The scheme floated also shows that the subsidy amount is to be directly deposited in the account of agriculturists. During the investigation, the Investigating Officer has recorded the statements of various agriculturists which shows that they have received the amounts in their accounts towards the subsidy. As far as the supply of material is concerned, the investigation papers itself shows that there is a communication by Shree TNB Polymers Limited that they have not provided any material to Kulswamini Agro Agency, Jalgaon Jamod. Thus, it appears that the applicants themselves have not received the material and

therefore, they could not supply it to the agriculturists. On perusal of the reply of the State it reveals that the custody is required for recovery of the amount. When the statement of the agriculturists itself shows that they have received the amount towards the subsidy, the question of recovery of the amount from the sellers doesn't arise. Moreover, the proposals are also filed online therefore, every document is available with the investigating agency and they can collect from the authorized Agricultural Officer. As far as the custodial interrogation which according to the prosecution is required, is not substantiated by any material. Merely saying that custodial interrogation is required, is not sufficient. Considering the entire investigation papers and the grounds raised by the prosecution to deny the bail to the applicants is not sustainable, in view of that the applicants can be protected by granting anticipatory bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant **No.(1) Kishor s/o Madhukar Wagh** and **No.(2) Chandrashekhar s/o Wasudeo Bhopale** shall be released on anticipatory bail in the event of their arrest, in connection with Crime No.714/2023 registered with Police Station Jalgaon Jamod, District Buldhana for the offences punishable under Sections 420, 468 and 471 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/-

each with one solvent surety in the like amount.

(iii) The applicants shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency, till filing of the charge-sheet.

(iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with facts of the case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)