



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

CRIMINAL APPLICATION (BA) NO.337 OF 2024

Anuradha Shivanand Kanhekar

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Pusad
Gramin, District Yavatmal

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

Court's or Judge's orders

Mr. K. S. Narwade, Advocate for applicant.
Ms. H. N. Prabhu, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 23/04/2024

1. The applicant came to be arrested on 17.02.2024 in connection with Crime No.153/2022 registered with Police Station, Pusad Gramin, District Yavatmal for the offences punishable under Sections 420, 409, 468, 470 and 471 read with Section 34 of the Indian Penal Code.

2. As per the case of the prosecution that crime is registered on the basis of report lodged by Vilas Chandrakant Koshetwar who is the Extension Officer of Panchayat Samiti alleging that present applicant was Sarpanch and other accused is the Secretary of village Hudi (Bk), Taluka Pusad, District Yavatmal. It was alleged that present applicant and other co-accused have forged the documents and given the benefits to the persons who are not entitled and misappropriated the funds of the Grampanchayat

under the Swacch Bharat Mission, General Fund, Baliraja Chetna Abhiyan, Dalit Vasti Sudhar Yojana, Tanda Vasti Sudhar Yojana and Water Supply (Pani Purvatha) Nidhi. On the basis of the said report, police have registered the crime against the present applicant and other co-accused.

3. Learned Counsel for the applicant invited my attention towards the various documents filed on record along with the application and submitted that it was the present applicant on whose behest the inquiry was conducted and during the said inquiry, it reveals that it was the co-accused and Upsarpanch have misappropriated the amount and also forged the documents. As far as the present applicant is concerned, the inquiry report only shows that two persons are benefited due to the indulgence of the present applicant, who are not entitled for any funds to construct the toilet and to have a benefit under the scheme of Baliraja Chetana Abhiyan. Thus, at the most amount which gives the benefit to the persons is Rs.12,000/- and Rs.4,000/-. Thus, total amount of Rs.16,000/- is unauthorizedly given to the persons who are not entitled and that amount can be recovered from those persons. So further incarceration of the present applicant is not required. She submitted that there is a specific allegation in the report against the co-accused. Merely on the basis of the statement of the co-accused the present applicant is implicated. Now, further incarceration is

not required as the investigation is practically completed though charge-sheet is not filed.

4. Learned APP strongly opposed the said application on the ground that the involvement of the present applicant revealed from the inquiry report. There is a specific allegation against her that she has by indulgence gave benefits to the persons who are not entitled for any benefit under the scheme of constructing the toilets and under the scheme of Baliraja Chetana Abhiyan. The investigation is still in progress, therefore, the application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. There is no dispute as to the fact that present applicant was Sarpanch of the village. The inquiry report is also placed on record, from which it reveals that it was the co-accused who has prepared the forged documents and gave benefits to the various persons though they were not entitled to. As far as the present applicant is concerned, during inquiry it reveals that due to her indulgence only two persons namely Gajanan Shankar Kanhekar and Devanand Shankar Kanhekar were benefited, though they are not entitled for the benefit of the said scheme and the amount comes to Rs.16,000/-. The involvement of the present applicant is on the basis of the statement of the

co-accused. Considering now the investigation is practically completed, further incarceration of the present applicant is not required, the application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant **Anuradha Shivanand Kanhekar** shall be released on bail in connection with Crime No.153/2022 registered with Police Station, Pusad Gramin, District Yavatmal for the offences punishable under Sections 420, 409, 468, 470 and 471 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- (iv) The applicant shall furnish her cell phone number and address along with the address proof and the names and addresses of her two relatives along with their address proof.
- (v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)