



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

CRIMINAL APPLICATION (ABA) NO. 645 OF 2024

Ananta s/o Shriram Mathe Vs State of Maharashtra

WITH

CRIMINAL APPLICATION (ABA) NO. 664 OF 2024

Umesh Gajanan Billewar Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.V. Amale, counsel for applicant

Mr. H.D. Dubey, APP for non-applicant/State. (ABA No. 645/2024)

Mr. S.V. Sirpurkar, counsel for applicant.

Mr. K.R. Lule, APP for non-applicant/State. (ABA No. 664/2024)

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 17/10/2024.

1. Both the applications are preferred for grant of anticipatory bail in connection with Crime No. 412/2024 registered with police station Jalgaon Jamod, District Buldhana for the offence punishable under Section 409, 420, 468, 471 read with Section 34 of the Indian Penal Code, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Sheetal Vaibhav Solat, who alleged that she was working as Tahasildar in Tahsil Office Jalgaon Jamod. On 27/06/2023, there was a heavy rainfall in the Jalgaon Jamod District Buldhana, and therefore, the farmers have sustained damage to the house, agricultural land, live stocks, and

agricultural crops. In order to compensate the victim of this natural calamity, as per the government scheme, the panchanama in respect to the beneficiaries/victim was required to be carried out, and it has to be submitted on the MAHADBT Portal. Both the applicants were working as a Talathi. The applicant, Umesh Billewar, was working as a Talathi in the area Umapur from 27/11/2017 to 13/03/2024, whereas the other applicant, Ananta Shriram Mathe, was working as a Talathi in the area Borala-Saza from the period 18/01/2017 till 02/08/2024. As per the allegation, the applicant Billewar was having additional charge of area Wadi (Bu.), and another co-accused, Santosh Patil, was C.S.C. operator. The officers in the above respective areas have carried out the panchanamas in respect of the losses suffered by the victims. Vide order dated 04/09/2023, one committee was constituted consisting of Talathi, Gramsevak, and Krushishahayak, to collect data from agriculturists and, after collecting their Aadhar number, Gat number, Mobile number, and Bank passbook, to prepare an excel sheet and hard copy. According to this order, applicant Gajanan Billewar was given village Umapur, Garpeth, Rajura, and applicant -Anant Mathe was given village Muradabad, Devhari, Ooti(Bu), Ooti (Khu.).In the review meeting dated 07/09/2023, it was directed to the Talathi's and the Circule Officers to submit the list of work done in respect of the above natural calamity. In the said meeting, 07/03/2023, the applicants were present. It was the first pilot project initiated by the government to pay

compensation amounts to victims directly in their accounts through the MahaDBT Online Portal.

3. It further reveals from the recitals of the FIR that the Talathi's have taken soft copies of the excel sheet on their WhatsApp, and they were directed to upload it on the MAHADBT Portal immediately. When she was carefully scrutinizing the work in respect of distribution of compensation amount, and at the relevant time, it was found that some of the Vishisht Kramank numbers were repeated and repeated names were found, and such names were from the village Umapur, Wadi (Bu.), Borala. In order to have a detailed inquiry, the committee was constituted. The committee has submitted the detailed inquiry report along with list and after perusal of the said report, it was noticed that in the villages Umapur-Saza, Wadi (Bu.), and Borala-Saza there were differences between expected beneficiaries/victims and the actual beneficiaries.

4. It was further revealed that one account holder had received compensation amounts on multiple occasions. Therefore, after obtaining the addresses of such persons, show-cause notices were issued to them and their statements were recorded, and it was revealed that present applicants, in connivance with the actual beneficiaries, and the other co-accused have transferred the compensation amount to such persons who are not entitled to receive the said compensation. It further reveals that they have forged the documents and thereby misappropriated the amount of Rs.1,97,19,337/- of

public funds. On the basis of said report, police have registered the crime against the present applicants.

5. Heard learned counsel Mr. S.V. Sirpurkar for applicant in criminal application (ABA No. 664/2024) and Mr. M.V. Amale for applicant in criminal application (ABA No. 645/2024). It is vehemently submitted by both the counsels that, as far as the applicants are concerned, they are not assigned with the work of uploading the list. Their work is only to the extent of drawing the panchanama and assessing the compensation amount. As far as the allegations regarding disbursing the compensation amount is concerned, it was not assigned to them. Thus, the allegation made against them is baseless. Therefore, their custodial interrogation is not required. They have not caused any loss to the government, and therefore, the allegations leveled against them are false and baseless. They are ready to cooperate with the investigating agency. In view of that, the application deserves to be allowed by releasing them on anticipatory bail.

6. Learned APP strongly opposed the said application and invited my attention towards the inquiry report as well as various statements of the witnesses and submitted that, from the statements of the witnesses, it reveals that these are the present applicants who have obtained the Aadhar Card from the villagers, and the compensation amount was disbursed to the said villagers, who are not entitled to receive the said compensation. Thus, considering the prima-facie case against the present applicants, their custodial interrogation is

required, as the allegation of fabricating the documents is also against them. Therefore, the application deserves to be rejected.

7. After hearing learned counsel for the applicants and learned APP for the State, perused the investigation papers from which it reveals that after verifying the portal, as well as the distribution of compensation amount, one committee was constituted of five officers by order dated 26/08/2024. On detailed inquiry, the report was submitted, from which it reveals that one account holder has received the compensation on multiple occasions. After obtaining the address of such persons, show cause notices were issued to them, who received the amount in their account. Out of 255, 248 beneficiaries were served with the notice for hearing. During the course of the hearing, it was observed that the present applicants in connivance with the actual beneficiaries and the others have transferred the compensation amount to such persons, who are not entitled to receive the compensation. Moreover, it further reveals to the inquiry committee that the applicants have forged the documents and thereby misappropriated the amount of Rs. 1,97,19,337/- which is a public fund. The statements of the witnesses are also recorded, which also substantiated the allegation against the present applicants. Whether the role of the present applicants is in a forgery of the documents or not is a matter of investigation. The investigation is at a primary stage. At this stage, the custodial interrogation of the present applicants is required.

Moreover, it is to be taken into consideration that the scheme was floated to assist the poor farmers by granting compensation as they have caused losses due to the heavy rainfall, but said amount was not used to compensate the said farmers; it was misappropriated by the public officers, and the loss is caused to the public fund. Considering the nature of the allegations and the involvement of the present applicants in the economic office, at this stage, no case is made out for grant of anticipatory bail.

8. In view of that, both the applications deserves to be rejected. Accordingly, I proceed to pass the following order;

The criminal application (ABA) No. 645 of 2024 and criminal application (ABA) No. 664 of 2024 are hereby **rejected.**

[URMILA JOSHI-PHALKE, J.]