IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 120 OF 2024

RANJAY S/O YOGRAJ BAWANKAR
Vrs.
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

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Shri V. S. Mishra, Advocate for applicant.
Shri M. J. Khan, A. P. P. for respondent-State.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 21/03/2024.

1. The applicant came to be arrested on 21/04/2023 in connection with Crime No.284/2022 registered under Sections 406, 408, 409, 420, 467, 468, 471 and 120-B r/w Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by Sangita Lokhande on an allegation that during the course of audit, it was found that the amount came to be misappropriated by the society namely; Nehru Sahakari Dhan Girni Maryadit and other co-accused who were assigned with the work to purchase the paddy from the respective farmers. During the said purchase, the co-accused were involved and amount of Rs.3,71,98,600/- and the Government money came to be misappropriated and same was revealed during the course of audit conducted by the auditor. The

audit report shows the involvement of the present applicant in the alleged offence. During investigation, the applicant was arraigned as an accused as it is revealed that there are total 357 bogus farmers, out of which, 164 bogus farmers, the amount of Rs.1,02,57,894/- has been credited in the name of present applicant and from 193 bogus farmers, the amount has been transferred in the name of the friend of the present applicant and the relatives, which is in tune of Rs.1,47,64,250/-.

3. The learned counsel for the applicant submitted that as far as the role of the present applicant is concerned, which is not revealed, he has not entered into the transaction with any of the agriculturists and therefore, there is no material to show that he had committed the offence of criminal breach of trust by forging the documents as if they are real and genuine. In fact, the applicant is the agriculturist and earning his livelihood by cultivating the land. He further submitted that the investigating papers nowhere shows that the present applicant was in contact with any of the farmers and obtained any amount from them. He submitted that even assuming the allegations as it is, further incarceration of the present applicant is not required. Now, investigation is completed and charge sheet is filed and further incarceration of the present applicant is not required and prays for releasing the applicant on bail.

4. Learned APP strongly opposed the application on the ground that during investigation, it revealed that present applicant has not only obtained the amount from the farmers, but he has shown the total 357 bogus farmers and out of them, 164 bogus farmers have paid amount worth of Rs.1,02,57,894/- and the said amount is credited in the name of present applicant. From 193 bogus farmers, the amount has been transferred in the name of the friend of the present applicant and relatives, which comes to Rs.1,47,64,250/-. The applicant has withdrawn the said amount, which is credited in the account of his friends and relatives. Thus, prima facie case is made out against the present applicant considering the huge magnitude of the offence, the application for grant of bail deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. The FIR is lodged after the audit of Nehru Sahakari Dhan Girni Maryadit was conducted. It reveals from the audit report that the office bearers of the said society were assigned with the work to purchase the paddy from the respective farmers. During the said purchase, the other co-accused who were involved in misappropriating the amount of Rs.3,71,98,600/-. Not only this, they were also found in misappropriating the Government amount. The audit report which is placed on record shows in what manner, the misappropriation was

commited. During investigation, it further reveals that there are total 30 accused persons including the present applicant, out of them, accused Nos.1 to 11 are the office bearers of the society. The accused No.12 is the Manager of the society and accused Nos.13 to 24 are the Grader and the present accused who is accused No.26 is the private trader. The applicant has prepared the list of 357 bogus farmers and obtained the benefit from the Government in the name of 164 bogus farmers and the said amount had been credited in his account whereas out of 357 bogus farmers, the benefit was obtained from the Government in the name of 193 bogus farmers and the amount of Rs.1,47,64,250/- was credited to their account and the present applicant has withdrawn the same. During investigation, the Investigating Officer has recorded the statements of various witnesses including Suchita Bawankar, Vikram Bhelave, Parmeshwar Madavi, Tursan Khobragade, Sarita Jhonjhad and so on, who specifically attributes the role of the present applicant by stating that the present applicant has opened the account in their name in the Co-operative bank at Kamtha. The passbook of the said account is also kept by the present applicant with him as he has also availed the cheque book facility in the name of account holders. He has obtained the signature of the said account holders on the said cheque. The concerned agriculturists were not informed how much amount is deposited in their names and how much amount is withdrawn. The said agriculturist came to know that respective amount was deposited in their name and the entire amount was withdrawn by the present applicant. Thus, prima facie material in the nature of statements of various agriculturists show that the present applicant has prepared the bogus list of agriculturists and opened the accounts in their name availed the benefits from the Government in their name and misappropriated the said amount. Thus, the applicant has not only misappropriated the amount from the said society, but he has also duped the Government. Admittedly, the offence committed by the present applicant is in the nature of the economic offence. The economic offence covers under the class apart. Considering the huge magnitude of the amount involved and the prima facie material against the present applicant, the application for grant of bail deservers to be rejected.

6. In view of that, the application is rejected.

[URMILA JOSHI-PHALKE, J.]

Choulwar