



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

CRIMINAL APPLICATION (ABA) NO. 647 OF 2024

Archana d/o Jagannath Kharbade and another. 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. R.M.Daga, counsel for applicants.

Mr. S.S. Hulke, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/09/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 727/2024 registered with Police Station, Ramnagar Wardha for the offence punishable under sections 409, 468 read with Section 34 of the Indian Penal Code, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. Applicant No. 1 was working as Accounts Officer in the month of March 2020, and Applicant No. 2 was working as Sub-Divisional Agriculture Officer (SDAO) at Sub-Divisional Agriculture Office, Wardha. The government announced Farmer Field School for which training programs for farmers were arranged under the Scheme of Nanaji Deshmukh Krushi Sanjivani Yojna. The co-accused, Vaibhav Mangale, is a private person who was appointed as a Field Coordinator on a contractual basis by the Project Director, Mumbai, and he was assigned the field work duty. It is alleged that he had prepared the forged bills of flowers,

bouquets, and sweets, which are purchased for the said training program, and thereby misappropriated the amount. It is further alleged that present applicants who are government servants have not verified the genuineness of the bills and cause the loss to the government exchequer.

3. Learned counsel for the applicants submitted that, as far as the inquiry report is concerned, which attributed the role to the present applicants only to the extent of not verifying the genuineness of the said bills and sanctioning the said bills. At the most, it can be considered as dereliction in duty. As far as misappropriation is concerned, that allegation is not made against the present applicants. In view of that, they be permitted by granting ad-interim protection.

4. Learned APP strongly opposed the said application and submitted that the applicants have not performed the duty and not verified the bills and caused the loss to the government exchequer. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicants and learned APP for the State, perused the recitals of the FIR as well as the inquiry report which is submitted along with the application, from which it reveals that the allegation against the present applicants is to the extent of sanctioning the bills without verifying it to the same.

6. Learned counsel for the applicants without prejudice to the right of the accused showed his willingness to deposit the amount of Rs. 55,000/-.

7. Considering the same and considering the role attributed to the present applicants, they can be protected by granting ad-interim anticipatory bail. In view of that, I proceed to pass the following order:

- a] In the event arrest, in connection with crime No. 727/2024 registered with Police Station, Ramnagar Wardha for the offence punishable under sections 409, 468 read with Section 34 of the Indian Penal Code, 1860, the applicants -(1) Archana d/o Jagannath Kharbade (2) Ajaykumar Shamrao Raut, shall be released on ad-interim anticipatory bail, on furnishing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- b] The applicants shall attend the concerned police station once in a week on Sunday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- c] The applicants shall jointly and severally deposit the amount of Rs. 55,000/- in this Court under protest and without causing any prejudice to their rights.

- d] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

Stand over after **two weeks**.

[URMILA JOSHI-PHALKE, J.]