



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

CRIMINAL APPLICATION (APPP) No.1751 OF 2024
IN
CRIMINAL APPLICATION (ABA) No.647 OF 2024

(Archana Jagannath Kharbade and another Vs. State of Maharashtra, through PSO,
PS Ramnagar, Wardha)

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

Court's or Judge's orders.

Mr. R.M. Daga, Advocate for applicants.
Ms. Shamsi Haider, APP for non-applicant.
Mr. Raheel Anwar J. Mirza, Adv. for complainant.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 19th OCTOBER, 2024.

1. By this application the original complainant seeks permission to engage the counsel to assist the prosecution.
2. In view of the reasons mentioned in the application, permission is granted to the complainant to engage counsel to assist the prosecution.
3. The application is disposed of.

CRIMINAL APPLICATION (ABA) No.647 OF 2024.

1. Apprehending arrest at the hands of Police in connection with Crime No.727/2024, registered with Police Station Ram Nagar Wardha for the offence punishable under Sections 409, 468 read with Section 34 of the Indian Penal Code the applicants approached this Court for grant of pre-arrest bail. The 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 programme for farmers was arranged under the Scheme of Nanaji Deshmukh Krushi Sanjivani Yojna. The co-accused, Vaibhav Mangale, was appointed on a honorary basis for imparting the training by the Project Director, Mumbai and he was assigned the field work. It is alleged that he had prepared the forged bills of flowers, bouquets and sweets, which are purchased for the said training programme 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 caused the loss to the Government exchequer.

2. 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 sanctioned 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 released on anticipatory bail.

3. Learned A.P.P. and learned counsel for the complainant strongly opposed the application and submitted that the inquiry report specifically shows the role assigned to the present applicants, who are Government servants. It is not only negligence in the duty but it is an intentional act of the present applicants in connivance with the co-accused. Therefore, custodial interrogation of the applicants is required.

4. After hearing learned counsel for the applicants and learned A.P.P. for the State perused the recitals of the F.I.R. as well as investigation papers from which it reveals that the inquiry was held regarding the alleged incident and in inquiry

report the role assigned to the present applicants is only to the extent of not verifying the bills. As far as the amount of Rs.55,000/- is concerned, the applicants have already deposited the said amount before this Court.

5. Considering the bona fide attempt shown by the present applicants, they have made out a case for grant of anticipatory bail. In view of that, I proceed to pass following order :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.727/2024, registered with Police Station Ram Nagar, Wardha for the offences punishable under Sections 409, 468 read with Section 34 of the Indian Penal Code the applicants – (1) Archana d/o. Jagannath Kharbade, (2) Ajaykumar Shamrao Raut shall be released on anticipatory bail on furnishing P.R. Bond 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 01.00 p.m. till filing of the charge-sheet and shall co-operate with the Investigating Agency.

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

6. The application is disposed of.

(Urmila Joshi-Phalke, J.)