



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

944 ANTICIPATORY BAIL APPLICATION NO. 1194 OF 2024

Dhananjay Ashok Kuwar
VERSUS
The State Of Maharashtra

...
Advocate for Applicant : Mr. Bachate Pralhad D.
APP for Respondents-State: Mr. R. S. Wani
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CORAM : ARUN R. PEDNEKER, J.

Dated : February 26, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No.001/2024, registered at Songir Police Station, District Dhule, for the offences punishable under sections 420, 408, 465, 467, 468, 471 of the Indian Penal Code.
3. This Court, by order dated 15/07/2024, granted interim protection to the applicant. The case against the applicant and two others is that during the period 2018-2019, the accused, by fabricating property tax and water tax receipt books, collected amounts from the villagers and misappropriated the funds. Consequently, the Village Development Officer lodged an FIR against the accused. During the investigation, it transpired that accused Pandurang and accused Arvind committed the said forgery and misappropriation at the instance of the present applicant/accused, and the misappropriated amount was handed over to the present

applicant/accused.

4. The learned Counsel for the applicant submits that the primary responsibility lies with the clerk who prepared the documents at the instance of the co-accused and certain other individuals. He further contends that in the third remand report, the applicant's name emerged during the investigation, alleging his involvement in the fraud. The learned Counsel also argues that the applicant, being the Sarpanch of the village, is a victim of political motivation, and the allegations against him stem from the statements made by the succeeding Sarpanch.

5. Per contra, the learned APP submits that, during the course of the investigation, it was revealed that a total amount of Rs.3,94,431/- was misappropriated. He further contends that the applicant's name surfaced during the investigation and, considering the nature of the economic offence, the interim relief granted should be vacated.

6. *Prima facie*, the applicant was the Sarpanch during the relevant period, and there is evidence collected against him. However, there is also direct and competent evidence available against the clerks, while the only material implicating the applicant is the statement of the co-

accused. Considering these aspects, along with the fact that this Court had previously granted interim protection and that the applicant has cooperated with the investigation, the interim protection granted to the applicant is confirmed.

7. In view of the above, the application is allowed in the following terms : -

i] In the event the applicant is arrested in connection with FIR No.001/2024, registered at Songir Police Station, District Dhule, for the offences punishable under sections 420, 408, 465, 467, 468, 471 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.