



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

962 ANTICIPATORY BAIL APPLICATION NO. 1447 OF 2024

Dilip Laxman Debare

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Senior Counsel Mr. R. N. Dhorde a/w Mr. S. S. Dudhne
i/b Mr. Dhorde Vikram R

APP for Respondents-State: Mr. S. P. Sonpawale

Advocate for Assist to APP : Mr. N. S. Ghanekar

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**WITH
CRIMINAL APPLICATION NO. 296 OF 2025
IN ABA/1447/2024**

Pravin Laxman Lokhande

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. Ghanekar Nilesh S.

APP for Respondents-State: Mr. S. P. Sonpawale

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 03, 2025.

PER COURT :-

1. Criminal Application No. 296 of 2025 has been filed seeking permission to assist the learned APP. The application is allowed and disposed of.
2. In ABA/1447/2024, heard the learned counsel for the applicant, the learned APP for the respondent-State, and the learned counsel assisting the learned APP.
3. The applicant apprehends arrest in connection with FIR No. 567/2024, registered at Shrigonda Police Station, District Ahmednagar, for offences punishable under Sections 420, 465, 467, 468, 471, and 477-A read with Section 34 of the Indian Penal Code.

4. This Court, by order dated 22/08/2024, granted interim protection to the applicant.

5. The case against the applicant, who was the Secretary of the APMC, is that he was entrusted with the task of verifying records of onions supplied to the APMC. As per the Government policy, an additional benefit of amount of Rs.350/- per quintal was to be given to the farmers. A three-member committee, comprising the Deputy Auditor, the Assistant Registrar of Co-operative Societies, and the Secretary of the Market Committee, was constituted to verify the quantity of onions supplied to the APMC between 01/05/2023 and 08/07/2023. The committee verified the quantity, prepared a beneficiary list, and accordingly submitted it to the State for disbursement of Rs. 350 per quintal to the respective farmers. However, it was later on enquiry found that errors had occurred in the list prepared by the committee. As per the list, 1130 farmers were eligible for the benefit, and the total supply recorded was 1,06,445.32 quintals, amounting to Rs. 3,72,55,862=00.

6. The learned Senior Counsel for the applicant submits that the applicant was not a beneficiary of the disbursed amount. The task of weighing the onions was earlier assigned to one Mr. Sonawane, and the applicant was not physically involved in that process. Furthermore, no

allegations have been made that the applicant personally benefited from the payments made to the farmers. At most, the error appears to be an irregularity rather than an offence under the aforementioned sections. The Senior Counsel also points out that among the three government officials who constituted the committee, only the applicant has been named as an accused. Considering these aspects, he submits that the interim protection granted earlier may be confirmed.

7. The learned APP submits that 130 out of 1130 farmers were not entitled to the benefit.

8. The learned counsel assisting the learned APP refers to page A-25 of the application and submits that 302 beneficiaries erroneously received the benefit. He further argues that the quantity of onions recorded as supplied to the Market Committee within a period of three days was impossible to be supplied. He contends that, as the Secretary, the applicant was the responsible authority at the relevant time.

9. This Court had previously granted interim protection to the applicant, who was also on interim protection before the Trial Court and has attended the concerned police station. No prima facie evidence has been presented before this Court to establish the applicant has been personally benefited from the alleged irregularity. Moreover, two other State

authorities, along with the applicant, were involved in preparing the list of beneficiaries submitted to the State, are not made accused. Also the enquiry conducted *prima facie* cannot be accepted at face value at this stage.

10. Considering these aspects, it appears that the applicant is *prima facie* not a beneficiary. If any individuals have wrongly received benefits, they would have the primary liability to refund the amount. Accordingly, the interim protection granted by this Court by order dated 22/08/2024 is confirmed.

11. 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.567/2024, registered at Shrigonda Police Station, District Ahmednagar, for the offences punishable under sections 420, 465, 467, 468, 471, 477-A r.w.34 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.

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

13. 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.

14. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.