IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.3218 OF 2024

Navnath Biru Rode …. Applicant

V/s.

State of Maharashtra …. Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2638 OF 2023

Sureshkumar Ramanaiah Uppala …. Applicant

V/s.

The State of Maharashtra …. Respondent

WITH

INTERIM APPLICATION NO.4051 OF 2023
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2638 OF 2023

Aniket Umakant Chanshetty …. Applicant

V/s.

State of Maharashtra …. Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.3102 OF 2023

1. Swapna Darshan Paraswar …. Applicants
2. Darshan Laxmikant Paraswar

V/s.

The State of Maharashtra & Anr. …. Respondents

Mr.Jaydeep D. Mane, for the Applicants in all ABA.
Mr.S.H. Yadav, APP, for Respondent-State.

Mr.Ramesh Dube Patil a/w Mr.Irda Dube Patil, Mr.Ankit Patil i/b Mr.Anandrao S. Kate for Jay & Co., for the Applicant-Intervenor/Complainant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th MARCH 2025

P.C:-

. All these Applications are out of the same crime, hence, I am deciding it by common order.

2. The Applicants apprehending arrest, in connection with investigation of Crime No.362 of 2023 registered with Jodbhavi Peth Police Station, Solapur, for the offences punishable under Sections 420, 468 and 471 read with 34 of the Indian Penal Code ('IPC' for short).

3. It is prosecution's case that, the first informant runs Education Society. The Applicants Swapna Paraswar and Darshan Paraswar approached him to implement Government Scheme namely Din Dayal Upadhyay Gramin Koushalya Yojana. It was decided that, the project will be implemented in the school of the first informant. Accordingly, all documents were submitted before the Government Authority. The concerned Government

Authority inspected the premise's and work done by the Applicant's on that basis first installment of Rs.27,52,735/- was granted by the Government. It is alleged that, the Applicant's have installed low quality CCTV camera's, which was the part of the scheme and produced the bogus bills showing that, these CCTV cameras in good condition. The some CCTV cameras were without DVR. The persons who allegedly issued bills were not aware about the issuance of bill. The GST number mentioned in the bill is of another bill.

4. It is alleged that, the Applicant-Darshan Paraswar has paid the salary to the various persons before starting of the said project. The allegations against the Applicant's Darshan Paraswar and Swapna Paraswar have misappropriated amount of Rs.13 lakhs.

5. It is contention of the learned counsel for the Applicant's that, the Applicant's have been falsely implicated in this case. The Applicant's took efforts to bring the said scheme. The Government granted the scheme to the first informant's trust in the year February 2022. Thereafter, first informant started

interfering in implementation of the scheme and he stopped the signing authority of Applicant-Swapana Paraswar and he himself withdrew the government grant.

6. The learned counsel further submitted that, the scheme was running smoothly and Applicant's were ready to implement the scheme, but due to behavior of the first informant the said scheme could not be completed. To show *bona fide* the Applicant's are ready to give bank guarantee of some amount. The amount as mentioned in the FIR has never been misappropriated. The said amount is used for paying the salary of employee's who were employed for the implementation of the scheme. The CCTV cameras were installed in the premises as part of the scheme. The Applicant's have no antecedents. They are reputed persons. Their intention was to implement the scheme, but due to first informant's behavior the said scheme could not be implemented. It cannot be said that, the Applicant's have cheated and misappropriated the government funds. The learned counsel further submitted that, after supervising all infrastructure's put up by the Applicants, the Government

Authority disbursed the installment hence requested to allow the Application.

7. It is contention of learned APP along with learned counsel for the Intervenor that, the Applicants misappropriated the government fund which was given for implementation of the scheme. The Applicant's have installed the CCTV cameras as part of the scheme. But the said cameras were old camera's. The bills produced of the said cameras were forged and fabricated. The GST number mentioned on the said bills were of other bills. When Investigating Officer inquired with the person from whom the said CCTV cameras were obtained. The said person stated before the Police that, he never sold the said CCTV cameras. The one person from whom articles were purchased, he is grocery shop owner and he was not aware about the selling of the said articles. It shows misappropriation and cheating by the Applicants of Rs.17,17,000/-. Considering the allegations against the Applicant's their custodial interrogation is required and requested to reject the Application.

8. I have heard all learned counsel's. Perused FIR and documents produced on record.

9. The allegations against the Applicant's are that, they have misappropriated the government funds which was supposed to be used for implementation the government scheme.

10. It appears from record that, the Applicants and first informant had set up/installed all the articles required for getting grant of the government scheme and after inspecting the set up put up by the Applicants the Government Officers has disbursed the grant. It shows that, there was proper installation of the all articles required for the Government Scheme. The issue is of putting inferior quality CCTV cameras and providing salary to the employees and bogus bills. It is contention of learned counsel for the Applicant's that, the some persons were employed as a part of the scheme, and accordingly salary was provided to them. After perusing documents on record, in my view, whether the Applicants have cheated or misappropriated the fund and made forgery or not is part of trial. If Applicants are directed to give the bank guarantee of Rs.13 lakhs, alleged misappropriated amount

would suffice. The Applicants are on interim bail for more than one year, they have co-operated in the investigation. Considering these facts, custodial interrogation of the Applicants is not required.

11. In such circumstances, the Criminal Applications are allowed and disposed of in terms of the order dated 9th December 2024 passed in ABA No.3218 of 2024, 26th September 2023 passed in ABA No.2638 of 2023 and 2nd November 2023 passed in ABA No.3102 of 2023, it is made absolute subject to condition that the Applicants shall report to the Investigating Officer once in month on first Monday of every month fill framing of the charge, and shall co-operate with the Investigating Agency and the Applicants shall not contact with the first informant and prosecution witnesses.

12. The Applicant's shall give bank guarantee of the amount as per allegation's against them.

13. All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)