

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**CRIMINAL APPLICATION NO.2251/2011**  
**Arjun Pandurang Nil V/s The State of Maharashtra & another.**

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| Office Notes, Office<br>Memoranda of Coram,<br>appearances, Court's<br>orders or directions<br>and Registrar's orders | Court's or Judge's orders |
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Shri C.R. Deshpande, Advocate for applicant.  
Shri S.N. Kendre, APP for respondents.

**CORAM: T.V. NALAWADE, J.****Date: 31.05.2011**

Heard learned counsel for the parties.

This application is filed for anticipatory bail. Leaned APP requests for time to take instructions. Learned counsel for the applicant prays for ad interim anticipatory bail in the mean time. The record of Criminal Application No.2145/2011 is also tagged with this matter.

Learned counsel for the applicant submitted that the allegations of misappropriation of Government money are against village Sarpanch and against the

present applicant. The present applicant was working as Development Officer at the relevant time and at present he is a retired officer. The learned counsel further submitted that as ad interim relief is granted in favour of Pankaj Mahajan, village Sarpanch, on the ground of parity, similar relief be extended to the applicant.

The record of these two matters shows that the village Sarpanch has offered some explanation. The report came to be filed to Police after making inspection of the accounts. Present Development Officer has made allegations against the present applicant that he has misappropriated the Government money to the tune of Rs.13.2 lakhs. There are allegations against the Sarpanch that he has also misappropriated amount of Rs.11.71 lakhs. The explanation offered by the Sarpanch in the second matter shows that it is in respect of some amount and that amount is around Rs.1.5 lakhs. He has tried to explain that the record in respect

of the amount of more than Rs.3 lakhs must have been with the present applicant and it was his responsibility to collect such record. The Sarpanch has indirectly blamed the present applicant in his explanation. The contentions made in the present application show that the present applicant wants to rely on the explanation given by the village Sarpanch, but that explanation is not in respect of the total amount.

Learned counsel for the applicant submitted that it is mere an irregularity and some record could not be collected as the officers and the staff were busy in executing an election programme.

It is surprising that the applicant did not and could not collect record till the date of his retirement. In the application itself, he has admitted that the record was not collected in respect of the expenditure. The instances of misappropriation of the Government money are increasing day by day. The elected representatives can do such a thing only

when there is help from the Government officers in this regard. In view of above circumstances and as custodial interrogation is must in such cases, it is not a fit case for granting relief in the nature of anticipatory bail. Hence, the application stands rejected.

**(T.V. Nalawade, J.)**

Dt/- 31.05.2011

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