

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

CRIMINAL APPLICATION NO.3484 OF 2015

1] Nandkishor S/o Shivajirao Sherkhane

2] Baliram s/o Topaji Chavan .. APPLICANTS

Versus

State of Maharashtra .. RESPONDENT

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Shri R.S.Deshmukh h/f Shri T.M.Venjane, Advocate for applicants

Shri V.H.Dighe, APP for respondent State

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CRIMINAL APPLICATION NO.3556/2015

Shivaji s/o Kishanrao Shirde .. APPLICANT

Versus

The State of Maharashtra .. RESPONDENT

...

Shri V.D.Salunke, Adv.h/f Shri T.M.Venjane, Adv. For applicant

Shri V.H.Dighe, APP for respondent State.

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CRIMINAL APPLICATION NO.3529/2015

Chandrakant s/o Gundajirao Marapalle .. APPLICANT

Versus

The State of Maharashtra .. RESPONDENT

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Shri V.D.Gunale, Adv. For applicant.

Shri V.H.Dighe, APP for respondent State.

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**CORAM : V.M.DESHPANDE, J.
DATED : 21ST JULY, 2015**

ORDER :-

These three applications for anticipatory bail can be disposed

of by this common order since these applications arise out of Crime No.143/15 registered with police station Chakur, Dist.Latur for offences punishable u/s 409 r.w. 34 of I.P.C.

2] Heard Shri R.S.Deshmukh, learned counsel for applicant in Application No.3484/15, Shri V.D.Salunke, learned counsel for applicant in Application No.3556/15, Shri V.D.Gunale, learned counsel for applicant in Application No.3529/15 and the learned A.P.P. Shri V.H.Dighe for respondent State in extenso.

3] Applicant Nandkishor Sherkhane in Criminal Application No.3484/15 is a Government servant being Block Development Officer of Panchayat Samiti, Chakur; whereas, applicant Baliram Chavan in Application No.3484/15 is also a Government servant being B.D.O., at the relevant time at Chakur; whereas applicant Shivaji Shirde in Application No.3556/15 is Assistant Accounts Officer and is an employee of Zilla Parishad Latur; whereas, applicant Chandrakant Marapalle was the Chairman of the Panchayat Samiti Chakur at the relevant time.

4] The F.I.R. is lodged by Shri Maheshkumar Meghmale who is the Additional Chief Executive Officer of Zilla Parishad, Latur. The F.I.R. says that on 10/6/15, the first informant had been to Panchayat Samiti, Chakur for enquiry. That time, he noticed that there is some bungling in E-Tender process to the extent of issuing Corrigendum and also accepting tenders of the persons who gave the lower rates and thereby the State exchequer caused loss of Rs.12 Lakhs.

5] Shri V.H.Dighe, learned A.P.P. inviting my attention submitted that there is a report from the Senior Accountant and Finance Officer of the Zilla Parishad addressed to the C.E.O. From the said report, it

is clear that the said authority has opined that prior to attributing anything against the persons responsible for the E-tender, it will be proper to verify and vouch the prices in respect of the work from any third agency. The learned APP fairly submitted that no such exercise was done. The C.E.O. has received the said report on 4/3/15. There is also noting on the said communication by the C.E.O. about the receipt of the same. In view of the fact that there is no exercise on the part of the Zilla Parishad authorities as suggested in the enquiry report dated 4/3/15 it appears that there was rush on the part of the officer to file the police complaint against the present applicants, prima facie shows that without there being any indepth inquiry, the said exercise has been done.

6] Further all the applicants are the Government servants except applicant Chandrakant Marapalle. Further even according to the learned A.P.P., the entire record is already seized by the investigating officer during the investigation. Therefore, in my considered view, the custody of the applicants is not necessary and for the investigation purpose the applicants can be directed to attend the police station. Even the learned A.P.P. submits that the attendance by the applicants to the police station will fulfill the purpose of the investigation. That leads me to pass following order :

ORDER

A] All the three applications are allowed. Applicants Nandkishor S/o Shivajirao Sherkhane, and Baliram s/o Topaji Chavan in Criminal Application No.3484/15, applicant Shivaji Kishanrao Shirde in Application No.3556/15 and applicant Chandrakant Gundajirao Marapalle in Application No.3529/15 be released on

anticipatory bail in the event of their arrest in connection with Crime No.143/15 registered with police station Chakur, Dist.Latur for offences punishable u/s 409 r.w. 34 of I.P.C., on they executing PR bond of Rs.25,000/- (Rs.Twenty Five Thousand only) each with one solvent surety in the like amount by each of them.

B] The applicants shall attend Police Station Chakur, Dist.Latur once in a week preferably on every Sunday commencing from 26/7/2015 till 30/8/2015 in between 3 to 5 p.m.

C] After 30/8/2015, the applicant shall attend police station Chakur as and when required by the investigating officer on receipt of the written communication from the investigating officer.

(V.M.DESHPANDE,J.)

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