

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 6739 OF 2015

VILAS UTTAMRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. N. L. Choudhari.
APP for Respondent : Ms. S. S. Raut.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 23rd December, 2015.

ORAL ORDER:

. This is an application for regular bail in Crime No.33 of 2015 registered at Dhadgaon Police Station, District Nandurbar for the offences punishable under Sections 468, 471, 477-A, 409 and 420 read with 34 of the Indian Penal Code.

2 Heard Mr. N. L. Choudhari, learned counsel for Applicant and Ms. S. S. Raut, learned APP for the State. Perused papers of investigation.

3 The first informant is Bhawaji Ravaji Valvi, Naib Tahsildar, Dhadgaon. Report was lodged as per the order passed by District Collector, Nandurbar. It is alleged in the report that work of

construction of road from Deulpani to Chikhalti was given to Applicant. Said work was to be completed during 6th February, 2009 to 5th March, 2009 and 27th February, 2009 to 26th March, 2009 in two parts. Total amount of Rs.44,14,426/- was sanctioned for said work.

4 On 18th November, 2014 and 19th November, 2014 squad headed by Deputy Collector, Nandurbar inspected the road. During inspection Deulpani to Chikhalti road was not found in existence. Accordingly Panchanama was drawn in the presence of Panch witnesses. It was also revealed that by submitting false accounts, fabricated documents and false certificate of completion of road Applicant and co-Accused J. T. Patole misappropriated huge amount of Rs.44,14,426/-.

5 Another allegation against Applicant is that payment was made in the name of seven dead labourers. Without constructing the road on the basis of false and fabricated documents huge amount was withdrawn and thereby Applicant cheated the Government and misappropriated huge public money.

6 Applicant was working as Deputy Engineer at the relevant time. He retired from service on 31th May, 2013. The work was allotted

under the Employment Guarantee Scheme. Thought it was to be completed in 2009 report came to be lodged in the year 2015.

7 After the arrest Applicant was in police custody. Noting incriminating was recovered at his instance. Since 30th November, 2015 he is in custody. Applicant is 61 years old suffering from heart disease.

8 Considering unexplained delay in lodging FIR, nature of offences alleged and severity of punishment this Court finds that no purpose would be served by keeping the Applicant in further custody. Application deserves to be allowed. Hence the following order –

ORDER

- I. Criminal Application No.6739 of 2015 is allowed.
- II. Applicant Vilas Uttamrao Patil is released on bail in Crime No.33 of 2015 registered at Dhadgaon Police Station, District Nandurbar for the offences punishable under Sections 468, 471, 477-A, 409 and 420 read with 34 of the Indian Penal Code, on P.R. and S.B. of Rs.15,000/- (Rupees Fifteen

Thousand Only) each.

III. Applicant shall not tamper with the prosecution evidence and shall make himself available as and when required.

IV. Bail before the Trial Court.

[INDIRA K. JAIN, J.]

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