

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.870 OF 2015

Anil Pandit Sonawane ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Milan Desai i/b. Mr. Deepak Paikrao, for the Applicant.
Mr. S.S. Pednekar, APP for the Respondent-State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **AUGUST 14, 2015**

P.C.:

. The application is moved for pre-arrest bail as the applicant/accused is apprehending arrest for the offences punishable under Sections 420, 467, 468, 477 and 471 read with 34 of the Indian Penal Code in C.R. No. 60 of 2015 registered with Daund Parade police station, Pune.

2. The offence was registered at the instance of one Rajendra More who is working as the Principal, State Reserve Police Force,

Daund in respect of misappropriation of Government amount. It is the case of the prosecution that the applicant/accused along with one police officer Santosh Kumbhar were looking after the work of the computerization in the center. These two accused, when they were on duty prepared bogus and forged vouchers, bank scroll and committed misappropriation of the amount to the tune of Rs. 3,37,497/- which was provided by the Government for the Class IV and other officers of the Reserve Police Force. It is the case of the complainant that the Drawing and Disbursement officer without verifying the vouchers sanctioned the same. On examination, it was found that 77 vouchers from the period January 2011 to November, 2012 were missing and when the remaining 760 vouchers were verified, it was found that the co-accused Santosh Kumbhar has committed misappropriation of Rs. 1,35,620/- and the applicant has siphoned the Government funds to the tune of Rs. 1,13,767/-. Hence, the inquiry was conducted against them and in that inquiry, the applicant/accused and the co-accused were found guilty and therefore at the instance of Inspector General of Police, the offence was registered against the applicant/accused and the co-accused for fraud and cheating.

3. The learned counsel for the applicant/accused has vehemently submitted that the applicant/accused has not committed any offence and even if it is so, he has deposited the entire amount. It was due to certain irregularity and there was no offence committed by the applicant/accused. The applicant is in government service and therefore he is to be protected by pre arrest bail. He submitted that in the affidavit dated 13th August, 2015 filed by one Sajan Vithoba Hankare, Police Inspector pursuant to the order passed by this Court, he has not specified about the 'A' list. Therefore, pre arrest bail be granted to the applicant/accused.

4. The learned prosecutor opposed the pre arrest bail. He relied on the papers of investigation. He submitted that in the inquiry, the applicant/accused was held guilty and he has not deposited the entire amount. Further he submitted that this Court has rejected the bail application of the co-accused.

5. Perused the first information report and the report of the inquiry. *Prima facie* it shows that the applicant/accused has committed the misappropriation of Government funds when he was

on duty. The learned Sessions Court, Baramati has rejected the bail application of the applicant. So also this Court has also rejected the bail application of the co-accused who was involved in this offence with the applicant/accused. Therefore, though the amount is deposited by the applicant/accused, I am not inclined to grant pre arrest bail to him.

6. Hence, the application stands rejected.

(MRS.MRIDULA BHATKAR, J.)