IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No.654 of 2014
[Gangadhar Domaji Kumeriya Vs. State of Mah. & another]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. A.B. Moon, Adv., for the Applicant.
Mr. S.S. Doifode, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 07th September, 2015.

01. This is an application for anticipatory bail. The applicant is apprehending his arrest in connection with Crime No. 424/14 registered with Sadar Police Station, Nagpur, for the offences punishable under Sections 420, 409, 468, 468 and 471 read with Sections 34 and 120-B of Indian Penal Code, and Sections 13 (1) (c), 13 (2) and 15 of the Prevention of Corruption Act.

02. The First Information Report is lodged by Shri Milind Sudhakar Totre, who is a Deputy Superintendent of Police, Anti-corruption Bureau, Nagpur. First Information Report is lodged with Police Station, Sadar, Nagpur. It is dated 11th November, 2014. According to First Information Report, the period for the offences is between 31st February, 2006 and 31st March, 2007.

03. According to First Information Report itself, some funds were received from the Govt., for Water Storage Dams in rural area for upliftment and supply of water to the agricultural lands under the Scheme known as "Modified Area Development Approach" [MADA]. The said funds were transferred by the Zilla Parishad, Nagpur, to the Panchayat Samitis at Katol and Narkhed and then to the respective Gram Panchayats under the Talukas. According to the First Information Report, though funds were received, Officers and the contractors misappropriated the amount.

04. According to the reply filed on behalf of the prosecution, it appears that the audit was also done and Audit Report is dated 5th February, 2010 which points out certain irregularities and illegalities in respect of the Govt. funds. It is to be noted that in the First Information Report itself, it has been stated by the first informant that an open enquiry was conducted and the Enquiry Report is already filed. Even according to the learned APP, all the documents are already seized and those are in possession of the Investigating Officer and the Anti-corruption Bureau.

05. Present applicant, at the relevant time, was a contractor, and out of twenty-five Water Storage Dams, he has constructed one Water Storage Dam. He is in the business of civil construction and has deep roots in the society. Thus, he is available to the course of justice.

06. The order passed by this Court on 20th December, 2014, by which interim protection was granted in favour of the applicant, shows that the applicant was directed to attend the Office of the Anti-corruption Bureau as and when required, and shall extend co-operation to the Investigating Agency. Learned APP Mr. Doifode, upon instructions from the Officer of the Anti-corruption Bureau, who is personally present, stated that the present applicant has attended the office of the Anti-corruption Bureau as and when he was called and he has also extended co-operation to the Bureau. That shows that the applicant has not misused the liberty granted to him.

07. Learned APP Mr. Doifode submits that the charge-sheet is yet to be filed in the matter. He, therefore, submits that the applicant be directed to attend the Office of Anti-corruption Bureau once in a week till the charge-sheet is filed. He submitted that the applicant shall continue to extend co-operation to the Anti-corruption Bureau as he has extended in past. That leads me to pass the following order:-

O R D E R

[a] Criminal Application [ABA] No. 654 of 2014 is allowed.

[b] The Applicant – Gangadhar Domaji Kumeriya be released on bail in the event of his arrest in connection with Crime No. 424/14 registered with Sadar Police Station, Nagpur, for the offences punishable under Sections 420, 409, 468, 468 and 471 read with Sections 34 and 120-B of Indian Penal Code, and Sections 13 (1) (c), 13 (2) and 15 of the Prevention of Corruption Act, on he executing a Personal Bond of Rs. 20,000-00 [rupees twenty thousand only] with one solvent surety.

[c] That, the Applicant shall attend the Office of Anti-corruption Bureau, Nagpur, once in a week till the charge-sheet is filed.

[d] The day on which the applicant shall attend the Office of Anti-corruption Bureau shall be decided by the Anti-corruption Bureau and it shall be the duty of the present applicant to attend the Anti-corruption Bureau on a day specified by the Anti-corruption Bureau. The day on which the applicant is called by the Anti-corruption Bureau, he shall remain present with the Anti-corruption Bureau from 11.00 a.m., to 5.00 p.m.

[e] That, the Applicant shall extend full co-operation to the Investigating Officer.

08. With this, the application is allowed and disposed of.

Judge

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