

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

Criminal Application No. 3309 of 2016

District : Beed

Venkat s/o. Shripati Phad,
Age : 39 years,
Occupation : Service,
R/o. Nirpana,
Taluka : Ambajogai,
District : Beed,
Now at Head Quarter at
Thermal Colony,
Parli-Vaijnath,
District : Beed.

.. Applicant.

versus

The State of Maharashtra.

.. Respondent.

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Mr. V.R. Dhorde, Advocate, for the applicant.

*Mr. N.T. Bhagat, Addl. Public Prosecutor, for
the respondent.*

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CORAM : Smt. SADHANA S. JADHAV, J.

DATE : 11TH JULY 2016

ORAL ORDER:

Heard the learned Counsel for the applicant
and the learned Addl. Public Prosecutor for the
respondent - State.

2. Perused the papers of investigation.

3. The applicant herein is apprehending his arrest in Crime No. 37/2016, registered at City Police Station, Parli-Vaijnath, District Beed, for the offences punishable under Sections 409, 420, 465, 467, 468, 471, 213, 167 read with Section 34 of the Indian Penal Code.

4. On 9th February 2016, Mangalsing s/o. Bandu Chavan lodged a report at Parli-Vaijnath, alleging therein that the bills which are paid at the Collection Centre of the Maharashtra State Electricity Distribution Company Ltd. [**For short, "MSEDCL"**] are accepted by the concerned Officer but bogus receipts are issued. It is submitted that for the period from April 2013 to October 2015, Officers at the said Centre have misappropriated amount of Rs. 53,67,735/-. It is specifically stated that the present applicant was working as Telephone Attendant in the said Centre.

5. It is an admitted position, that the present applicant was entrusted with the additional work of compilation of B-60 Forms which is the capitulation of the accounts of day-to-day work.

6. That, in fact, the present applicant was appointed as Telephone Attendant.

7. Considering the gravity of the offence, the MSEDCL had appointed a Committee of four persons to investigate into the irregularities and the misappropriation at the said Centre. Perused the report of the Committee, wherein the Committee has given following findings :-

(i) As per punching agency Proprietor Shri Milind Kambale (M/s. Dnyanshil Computers, Latur) some of B60 data he was receiving on e-mail / Pen Drive in Microsoft Excel Sheet format by Shri Vasant Sopanrao Munde (Assist. Accountant) Parali-Vaijnath Sub-division. This major irregular practice, was not being brought to notice of MSEDCL Management by any of the local staff / agency.

(ii) Bank reconciliation is not based on comparison of B60 record with either CRA or subsidiary cash book entries during entire period. This is most bad and wrong practice of Bank Reconciliation, which is never acceptable.

8. As far as present applicant is concerned, the Committee has recorded that "the present applicant was assigned with the work of B-60 cash tally up to June 2014, as per his own statement dated 1st February 2016. He assured the Committee members that he would submit B-60 and CRA statements from January 2013 to June 2014, within two working days. The Committee has found that the present applicant could not produce any record and, therefore, he is also responsible for the fraud in question".

9. The learned Counsel for the applicant rightly submits that the present applicant had not carried B-60 Forms to his residence. The capitulation of the day-to-day work was submitted by accused, namely, V.S. Munde and B.K. Chate, whose whereabouts are not known till today. It is further submitted that all the record is available in the office of the Sub-division and that it was incumbent upon the Investigating Officer to seize the said documents in the course of investigation. That, the said documents / B-60 Forms are not in the personal custody of the applicant and therefore, according to the learned Counsel for the applicant, custodial interrogation would not be warranted.

10. The learned Addl. Public Prosecutor submits that the investigation is still in progress and, therefore, the applicant does not deserve grant of pre-arrest bail.

11. However, taking into consideration the findings of the Committee constituted by the MSEDCL, this Court is of the opinion that the applicant deserves to be granted pre-arrest bail. However, it is made clear that the co-accused V.S. Munde and B.K. Chate shall not claim parity against the present applicant and that their case shall be considered on its own merits, more particularly, in view of the

findings recorded by the Committee appointed by the MSEDCL.

12. Hence, the Application is allowed.

(a) In the event of arrest of the applicant, in connection with Crime No. 37/2016 registered at City Police Station, Parli-Vaijnath, District Beed, for the offences punishable under Sections 409, 420, 465, 467, 468, 471, 213, 167 read with Section 34 of the Indian Penal Code, he be enlarged on bail on his furnishing P.R. Bond in the sum of Rs. 20,000/- with one or two sureties of the like amount.

(b) The applicant shall report to the Investigating Officer for the period from 16th July 2016 to 20th July 2016, between 10.00 a.m. and 12.00 noon and thereafter as and when reasonably called by the Investigating Officer for the purpose of investigation. The applicant shall cooperative with the investigating agency to the best of his capacity.

(c) The Application stands disposed of in the above terms.

(Smt. SADHANA S. JADHAV)
JUDGE

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