

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 140 OF 2017

Sandesh Damodar Jangam & Anr. ... Applicants
Vs.
The State of Maharashtra ... Respondent

Mr. Vishal Patil, Advocate for the applicants.
Mr. Y.M. Nakhwa, APP for the State.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 25th January, 2017.

P.C.:

1. This Application is moved for pre-arrest bail. The applicants-accused are prosecuted for the offences punishable under sections 406, 409, 420, 465, 467, 471 r/w. 34 of Indian Penal Code in C.R. No. 255 of 2016 with Chiplun Police Station, Ratnagiri. Applicant no. 1 is Deputy Engineer and Applicant no. 2 is Sectional Engineer in Rural Water Supply Department (Sub-Division), Zilla Parishad, Chiplun. The complaint is lodged at the instance of one Nutan Vilasrao Sawant, who is working as Deputy Chief Executive Officer, Zilla Parishad, Ratnagiri.

2. It is the case of the prosecution that in the year 2013-14, Grampanchayat Borgaon Salunkewadi, Budhwadi was selected to provide the water pipeline and in the work of pipeline and storage of water, amount of Rs.49,60,585/- was sanctioned by Ratnagiri Zilla Parishad on 29th January, 2014. The applicants/accused, being the Engineers, were supposed to supervise the water pipeline project and after compliance and

completion of the work, it was necessary for Sectional Engineer Ramesh Kamble to keep the factual record of the measurements and so also it was the duty of Deputy Engineer Mr. Sandesh Jangam to recheck the work and see that the work is completed as per the report and scheme. However, when the work of water pipeline was at the last stage, one Vidyadhar Dattatray Salunkhe gave complaint about the lapses and quality of the work. Thereafter Mr. Satish Pandurang Sohani, Deputy Engineer, Rural Water Supply Department. Guhagarh went to the spot on 19th July, 2016 and examined the entire scheme and pipelines in the said scheme and noted down that there were many lapses and so also it was a sub-quality work. The report highlighted the instances of lapses or non-compliance of the work. The amount which was sanctioned and collected out of donation from the people was Rs.41,12,813/-. As per measurement book, the work shown was of Rs.38,36,408/-, however, after physical inspection it was found that the work was not done even of Rs.20,45,178/-. It is also found that the contractor Laxman, who is co-accused, has submitted bogus bills. Thereafter the complaint was lodged against the accused persons.

3. The learned counsel for the applicants/accused submitted that the applicants/accused are public servants. They have record of long service without any stigma. It is submitted that the applicants are innocent and they have not committed any offence. Hence, their custodial interrogation are not required.

4. Learned APP opposed the Application and relied on the papers collected by the Investigating officer. He also relied on report of Sohani, Deputy Engineer, Rural Water Supply Department, Guhagarh and highlighted that the work done though claimed is of Rs.41,12,813/- but the work done at the last stage valued Rs.20,45,178.51 and thus all the applicants/accused and co-accused collectively have committed misappropriation and defrauded.

5. Perused the FIR, report of Mr. Satish Sohani, statements of the villagers. It appears that the applicants/accused have intentionally given false report in respect of measurements of water pipeline and did not supervise the entire work which was sub-quality work. The work of the pump or in respect of storage tank though was not done, it is shown as done. Thus, *prima facie* there is a case against the applicants/accused. This misappropriation of public money and in the public work wherein the villagers have also contributed by paying the donations in the work of laying water pipeline and storage. Considering these facts and the charges against the applicants/accused, I am not inclined to grant pre-arrest bail. Hence, Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)