

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.162 OF 2017

Smt.Suman Laxman Wagh ... Applicant

Vs.

The State of Maharashtra .. Respondent

Mr.Rameshwar N. Gite for the Applicant
Mr.Prashant Jadhav, APP, for Respondent – State
Mr.V.A. Shelke, API, Bhadrakali Police Station – present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 7, 2017

P.C. :

1. This application is moved by the applicant/accused for pre-arrest bail under section 438 of Criminal Procedure Code as the applicant/accused is prosecuted for the offences punishable under sections 420, 465, 468, 471 r/w section 34 of the Indian Penal Code in C.R. No.I-88 of 2013 registered at Bhadrakali Police Station, Nashik, at the instance of one Tukaram Trimbak Patil, Assistant Executive Engineer, Nasik.
2. It is the case of the prosecution that in the year 2006, the Irrigation Department, Nasik decided to construct cement /

concrete bunds and it was decided that 11 works were to be allotted to unemployed engineers. Accordingly, tenders of such 11 works were called and approved and accordingly, as per the requirements, recommendation letters for 11 works in **fictitious??** names were issued by the Irrigation Department/Public Works Department. The entire work at 11 spots was complete in the year 2009. Thereafter, one Ramkrushna Kisan Helade complained on 14.5.2009 that the recommendation letters which were issued by the Department for all the 11 works were bogus. Thereafter, Departmental Enquiry against the persons responsible and involved in the matter in issuing such recommendation letters to the unemployed engineers was conducted. The applicant/accused was working as an Assistant Accounts Officer at the relevant time and she had issued two recommendation letters. The Departmental Enquiry was concluded in 2013 holding this applicant/accused guilty and the directions were issued by the enquiry committee to the concerned Department to take criminal action against the wrongdoers and thereafter, the information and the present C.R. was given and the offence is registered against the applicant/accused and the other co-accused. The learned Counsel for the applicant/accused has submitted that the

applicant/accused does not have any criminal record. He submitted that she has been attending her work since 2013 and has not yet been arrested but has cooperated with the police in the investigation.

3. Learned Prosecutor has opposed the application.

4. Perused the papers of the matter, the FIR so also the order passed by this Court on 20.8.2013 granting pre-arrest bail to one Ramesh Pandurang Ahire, who worked as Accounts Officer. The offence is based on the documents and it appears that the police are investigating this matter since last four years and also the applicant is very much available to the police and yet, they have not arrested her and thus, her custody is not required. Accordingly, pre-arrest bail is granted on the following terms:

a) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.150,000/- with one or two solvent sureties in the like amount;

b) The applicant-accused shall cooperate with the Investigating Officer.

4. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)