

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.718 OF 2017

Vikas s/o Krushnarao Mohod, R/o Dehankar Kay Out, Near Renuka Mangalam, Yavatmal

-vs-

State of Maharashtra, Thr. PSO, PS Yavatmal Rural, Dist. Yavatmal

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

Court's or Judge's Orders.

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Shri Vivek Awchat, Advocate for applicant.  
Shri S. M. Ghodeswar, APP for non-applicant/State.

**CORAM : A.S.CHANDURKAR, J.**

**DATE : October 30, 2017**

The applicant apprehends his arrest in connection with Crime No.324/2017 registered at Police Station Yavatmal Rural for the offence punishable under Sections 408, 409, 420, read with Section 34 of Indian Penal Code.

According to the First Information Report dated 16/08/2017, the applicant who is working as Assistant Project Officer along with nine others is stated to have committed an offence punishable under Sections 408, 409 and 420 of the Penal Code. The matter relates to construction of wells under the Mahatma Gandhi National Employment Guarantee Scheme for the period from 2011 to 2015. The alleged misappropriation is to the extent of Rs.1,13,771/-.

It is submitted on behalf of the applicant that the applicant has been implicated merely on the basis of an Inquiry

Report submitted by the Inquiry Officer/Assistant Block Development Officer. The applicant was merely working as the Assistant Project Officer and it is the accused No.3 who was responsible for the misappropriation of the aforesaid amount. It is pointed out that this Court in Criminal Application (ABA) No.672/2017 that was preferred by accused No.3 has directed said accused to deposit the aforesaid amount as a condition for grant of protection. Referring to paragraph 11 of the reply filed on behalf of the non-applicant it is stated that custodial interrogation of the applicant is not warranted.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that as per inquiry report, prima facie involvement of the present applicant along with other accused is evident. Though the amount in question has been deposited by accused No.3, it is necessary to have the custody of the present applicant to facilitate further investigation.

Perused the inquiry report as well as the First Information Report. The applicant was working as Assistant Project Officer and is alleged to be responsible for the construction of wells in some other gat numbers than the actual gat number where the same were to be dug. The amount in question has been deposited by accused No.3 as directed by this Court in Criminal Application (ABA) No.672/017. Considering the fact that the relevant material on the basis of which the offence has been registered has been collected by the prosecution and the amount in question stands deposited at the instance of accused

No.3, I am inclined to consider the present application favourably.

In view of aforesaid, in the event of applicant's arrest in connection with Crime No.324/2017 registered at Yavatmal Rural Police Station for the offence under Sections 408, 409 and 420 read with Section 34 of IPC, he shall be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount.

The applicant shall attended the concerned Police Station on 08/11/2017 and thereafter as per the directions of the Investigating Officer.

He shall co-operate with the investigation and shall not take any steps to influence the prosecution witnesses.

By clarifying that observations made in this order are only for deciding this application, the same is allowed and disposed of.

**JUDGE**