

JPP

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

ANTICIPATORY BAIL APPLICATION NO. 1114 OF 2018

Govind Parvatrao Parjane ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

with

ANTICIPATORY BAIL APPLICATION NO. 1649 OF 2018

Shivaji Eknath Bhondwe ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. M.S. Mohite I/b. S.R. Karpe for the Applicant in ABA 1114/18.

Mr. S.S. Salunkhe for the Applicant in ABA 1649/18.

Mr. Amit Palkar, APP for the Respondent – State.

CORAM : A.S. Gadkari, J.

DATE : 27th November 2018.

P.C. :-

1. The Applicant in Application No. 1114 of 2018 was granted interim relief by an order dated 12th June 2018 and was directed to attend the concerned Police Station on stipulated dates, to join the process of investigation.

2. Heard learned Counsel for the respective Applicants and the learned APP. Perused the record.

3. The First Informant Report is lodged by the Police Inspector attached to Prevention of Corruption Department, Pune. The original complaint was made by Mr. Shivaji Talekar, Proprietor of M/s. Shivneri Constructions, Navi Sangavi, District Pune. It is the prosecution case in brief that, the Applicant was working as Sub-Divisional Agricultural Officer at Pune. In pursuance with an e-tender floated by the said department, the work of construction/repair of cement nala/drainage line was initially given to M/s. Shivneri Constructions of Mr. Shivaji Talekar. As he could not complete the said work and certain portion of said work was incomplete, it is alleged that the Applicant by exercising his powers illegally, favoured Shivaji Bhondwe (Applicant in ABA 1649/18), proprietor of M/s. Siddhant Construction, Kalkhairwadi, Baramati, District – Pune. That the Applicant retired from service on superannuation on 30th September 2016 and when the measurement of the said work was carried out and evaluated, it was found that a sum of Rs.90,142/-

was not deducted from the bill of M/s. Siddhant Construction. It is also alleged that certain amounts that were not permitted to be spent for the said project have been spent during the tenure of the Applicant.

In the premise, the Police are now seeking custody of the Applicant for the investigation of the present crime.

4. The record indicates that the investigation of the present crime is solely based on documents. Coupled with the said fact, prima-facie it appears that the Applicant by following necessary directions issued by the Government of Maharashtra from time to time has subsequently allotted contract for completion of the incomplete work of the said project to Shivaji Bhondwe of M/s. Siddhant Construction, who in turn completed it. Record further indicates that pertaining to the said allegations, a departmental enquiry also being undertaken by the concerned Department with respect to measurement of the work and/or disbursement of the amounts.

5. As far as the Applicant Shivaji Bhondwe is concerned, it appears that, in pursuance of the contract allotted to him, he has

completed the work and submitted bills to the concerned department which are processed and the payment has been released in his favour. It is the contention of the Applicant Shivaji Bhondwe that he has completed the work as per specification and there is no illegality committed by him either in completing the said work or while submitting the necessary bills.

6. In view of the above and after taking into consideration the material available on record, this Court is of the considered view that the custodial interrogation of the Applicants for further investigation of the present crime is not necessary. Interim relief granted by order dated 12th June 2018 in Application No. 1114 of 2018 is confirmed. The Applicant in Application No. 1649 of 2019 is also granted relief in terms of prayer clause (a) of Order dated 12th June 2018 passed in Application No. 1114 of 2018. Condition to attend the concerned Police Station is hereby waived.

7. Applications are allowed in the aforesaid terms.

(A.S. Gadkari, J.)