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

ANTICIPATORY BAIL APPLICATION NO.2329 OF 2018

Vijay Maruti Rokade

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Aditya Gore, for Applicant.

Mr.S.S. Hulke, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 28th November 2018.

P.C.:

1] The applicant is apprehending arrest in CR No. 206 of 2018 dated 7.9.2018 registered with Alephata Police Station, District- Pune under section 409 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Ms. Jayashree Benake, Development Officer attached to Panchayat Samiti, Santwadi. It is alleged that the applicant being a Gram Sevak in connivance with Sarpanch of the village Santwadi committed irregularities/defalcation of amount of

Rs.8,95,000/- and has caused monetary loss to the Government Exchequer .

4] The record indicates that, it is the allegation against applicant alongwith co-accused Sarpanch, by violating the norms, awarded contract to Mr. Prakash Sahane and also issued advance payment to him. The record further indicates that, when the Higher Authorities carried out inspection of the account, they realised certain irregularities in the same and issued notice to Shri Prakash Sahane in that behalf. Thereafter said Shri Prakash Sahane deposited the amount received by him in the account of Kendra Puraskrit 14 Vitta Aayog Grampanchayat Santwadi. Thus no monetary loss is caused to Government Exchequer.

5] The Investigating Agency is seeking custody of the applicant for recovery of the said amount. The said amount has already been deposited by the beneficiary of the amount i.e.. Shri Prakash Sahane in the said account of Grampanchayat. Apart from the said fact, the investigation of the present crime is solely based on documents which have already been seized by the police. In view thereof, this Court is of the opinion that, the custodial interrogation of the applicant for further investigation of the crime is not necessary and the applicant can be granted pre-arrest bail.

6] Hence the following Order:-

i] In the event of arrest in CR No. 206 of 2018 registered with the Alephata Police Station, District- Pune, the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] Applicant shall attend the Investigating Officer as and when called for between 10.00 a.m to 2.00 p.m after receipt of notice in writing from the concerned Investigating Officer and to join the process of investigation till submission of final report.

iii] Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)