

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

**ANTICIPATORY BAIL APPLICATION NO. 1774 OF 2018
WITH
CRIMINAL APPLICATION NO. 625 OF 2019**

Krishna Hanumant More ...Applicant
Vs.
State of Maharashtra ...Respondent

- Mr. Rupesh B. Nalavade, Advocate for the Applicant.
- Mr. Uday P. Warunjikar, Advocate for Intervener in APPP 625/19.
- Mr. Prashant Jadhav, APP for the State.
- Mr. N. S. Kadam, PSI, Satara City Police Station.

**CORAM : SARANG V. KOTWAL, J.
DATE : 21st AUGUST, 2019**

P.C. :

1. The applicant is seeking anticipatory bail in connection with CR No. 635/18 registered at Satara City Police Station for the offences punishable under Sections 406, 420 and 419 of the IPC.
2. The FIR is lodged by development officer, Panchayat Samiti, Satara, on 11th July 2018. He has stated in his FIR that the present applicant has taken away important documents and record of gram panchayat between the period from 22nd July 2017 to 24th July 2017. Based on this allegation, this FIR is lodged.

3. Heard, Mr. Nalavade, learned counsel for the applicant as well as Mr. Warunjikar, learned counsel for the Intervener and Mr. Jadhav, learned APP for the State.

4. Learned counsel for the applicant submitted that as per the allegations, the record was taken away by the applicant in July 2017, but the FIR was lodged on 11th July 2018 i.e. about a year after the alleged incident. He further submitted that during the pendency of the investigation, the applicant has attended the police station on more than ten occasions and he has co-operated with the investigation. He submitted that the allegations against the present applicant are false and politically motivated.

5. The learned counsel for the intervener submitted that the delay in lodging FIR was strictly due to the procedural requirements. The concerned authorities had to give permission before lodging the FIR. Because of that there was delay in lodging the FIR.

6. Learned APP as well as learned counsel for the intervener submitted that the fact remains that there are atleast three witnesses, who have stated that the applicant had taken away

those records. Those witnesses are Pravin Jadhav, Laxman Burungale and Vinayak Awghade. They have clearly stated in their statements that on 24th July 2017 the present applicant had taken away those records in his car. Witness Laxman Burungale was asked by the applicant to keep that record in his car. Witness Vinayak Awghade gave similar statement that the applicant had removed the record on 22nd July 2017. Thus, on atleast two occasions they have seen the applicant taking away those record from gram panchayat office.

7. Apart from that, learned APP stated that there is a CCTV footages, which show that the applicant has taken away those records. The learned APP and Shri Warunjikar pointed out that the applicant was facing inquiry in respect of deficiency in the record from 2012 to 2015 and to protect himself in such inquiry, the applicant has taken away those record, so that the inquiry could not be conducted properly.

8. Considering all these submissions, at this stage, the investigating agency has sufficient material against the present applicant showing his complicity. The delay in lodging the FIR is

also explained. Offence is serious. Destruction of gram panchayat records affects many people residing in the gram panchayat area. Destruction of the government record, is unnecessary and illegal tampering.

9. In this view of the matter, custodial interrogation of the applicant for recovery of those records is absolutely necessary. No case is made out for anticipatory bail. Hence, application is rejected. Intervention application is also disposed of accordingly.

(SARANG V. KOTWAL, J.)