

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

Criminal Application (BA) No.436 of 2019
(Vitthal Krushnarao Nichal .vs. The State of Maharashtra through PSO PS
Anjangaon Surji, Amravati, Dist. Amravati.)

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

Court's or Judge's orders.

Mr. Mir Nagman Ali, Advocate for Applicant.
Mr. H.R. Dhumale, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : June 25, 2019.

The applicant herein has approached this Court for grant of bail in respect of offences registered against him and other co-accused person under Sections 420, 409, 468 and 471 of the IPC and Sections 65, 66 and 66D of the Information and Technology Act, 2000. After completion of investigation and filing of charge-sheet, two more accused persons have been charged along with the applicant and the co-accused specifically named in the aforesaid FIR.

2. The allegation against the accused persons is that they caused the defalcation of more than Rs.63,00,000/- from the Rural Water Supply Sub Division Office of Zilla Parishad, Amravati, whereby amounts meant to be paid towards salary of the employees of the said Department were siphoned off and huge financial loss was caused to the Department.

3. The specific role attributed to the applicant

was that he had illegally shared user ID and password of the portal concerning disbursement of salaries of the employees of the said Department. The applicant was a custodian of the said information and he shared it with co-accused Chandan Patil named in the FIR, who in turn siphoned off huge amounts thereby causing financial loss to the Department.

4. The learned counsel for the applicant has contended that the said co-accused Chandan Patil has been suffering from serious ailment and hence he has not been arrested, while the co-accused persons have been released on bail. In fact, one of the co-accused person who is a lady, was granted anticipatory bail. It is contended that the role attributed to the applicant is similar to the two co-accused persons who have been granted relief and, therefore, the applicant is entitled to grant of bail.

5. The learned APP has opposed grant of bail in the present case, pointing out that the applicant was the person who conspired with co-accused Chandan Patil to siphon off huge amounts and that it was not a case of mere negligence but criminal intent on the part of the applicant to have shared the aforesaid vital information facilitating the siphoning away of huge amounts of Government money.

6. Having heard the learned counsel for the rival parties and upon perusal of the material brought on record, it appears that the role of the applicant in the

present case was that he illegally shared user ID and password details with the co-accused in order to facilitate misappropriation of huge amounts of Government money. The applicant being custodian of such vital information, ought not to have done so and the statements of witnesses presently on record filed along with the charge-sheet show that the applicant was actively involved in the aforesaid offences committed along with the co-accused Chandan Patil, who is a private person not concerned with the said Department. The sharing of such vital information with the said co-accused Chandan Patil indicates that there was strong *prima facie* case against the applicant and in view of the large scale financial loss caused to the Government treasury, this Court is of the opinion that the applicant does not deserve any indulgence.

7. Accordingly, the present application is dismissed.

JUDGE

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