

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

L.D.V.C. CRIMINAL APPLICATION (ABA) NO. 387 OF 2020

Manda Onkar Konge and another

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri A.S. Band, Advocate for applicants.
Shri A.V. Palshikar, A.P.P. for State

CORAM : VINAY JOSHI, J.
DATED : 31/07/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is apprehending to be arrested in Crime No. 83 of 2020 registered at Barshitakli Police Station, District Akola for the offence punishable under Sections 409, 417, 420, 468, 471, 120-B read with Section 34 of the Indian Penal Code. The complaint is lodged by the Deputy Engineer of Zilla Parishad alleging that the applicant has misappropriated the funds of government to the tune of Rs.6,58,897/-. It reveals that the work of digging of well and setting and fitting of the pipe line was assigned to the applicant. The total cost of work was Rs.21,31,090/-. It is alleged that on verification of work through expert the work done was to the tune of Rs.15,99,000/- only. The applicant has pointed out that he has completed 82 to 85% work and still he is ready to do remaining work.

3. According to him, rest of the work could not be completed as the government appointed the Engineer has not provided his services. *Prima facie*, it appears that only on the basis of technical report, the evaluation was done, showing that there was misappropriation. Learned Counsel for the applicant upon instruction made a statement that the applicant is ready to deposit Rs.3,00,000/- within six weeks.

4. Having regard to the nature of accusation and peculiar facts of the case, pre-arrest protection can be granted to the applicant. In view of that the Criminal Application stands allowed and interim order dated 18.06.2020 is hereby made absolute with condition that the applicant shall deposit an amount of Rs.3,00,000/- within four weeks from today in this Court. Failure of the applicant to comply the order will give the rise to the prosecution to move this Court.

5. The Criminal Application stands disposed of accordingly.

6. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhastApp or by such other mode, as is permissible in law.

Trupti

JUDGE

**Rakesh
Dhuriya**

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by Rakesh
Dhuriya
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