

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.895 OF 2020

**VENKATRAO S/O. NARAYANRAO KULKARNI
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Bilolikar Upendra B.
APP for Respondent/State: Mr. V. M. Kagne
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CORAM : MANGESH S. PATIL, J.

DATE : 18.01.2021

PER COURT :

The applicant is seeking bail in the event of his arrest in connection of Crime No.60/2020 registered with Degloor Police Station District Nanded for the offences punishable under Section 420, 409, 468, 471 of the Indian Penal Code and Section 82 of the Registration Act.

2. In short the allegations are to the effect that while serving as a clerk in the Office of the Sub-Registrar Degloor the applicant was in charge Sub-Registrar on 03.12.2016. He registered a document which was susceptible to the Stamp Duty and Registration Charges to the tune of Rs.1,26,500/-. It is alleged that one S.B. Suryawanshi was the computer operator in the office. He along with the applicant recovered the money from the executant but generated a bogus E-challan and on that basis registered the document without crediting the money in the accounts of the Government.

3. The learned advocate for the applicant submits that the applicant is innocent. He has not indulged in any criminal activity. The whole blame lies with main accused Suryawanshi who had generated the E-challan relying upon which the applicant merely registered the document by verifying the E-Challan. There was no occasion for him to know correctness or otherwise of E-challan. He is ready to deposit the entire amount of Rs.1,26,500/-. His custodial interrogation is not necessary. He is a Government servant unlikely to flee. He is ready to co-operate the Investigating Officer. Already he has attended their concerned police station as per the direction of this Court in the order dated 04.01.2021. He is still ready to continue to co-operate the Investigating Officer and the application may be allowed.

4. The learned APP opposes the application. He submits that the offence is serious. It is a matter of misappropriation by a Government Servant. It was primary duty of the applicant as an in charge Sub-Registrar to verify all the facts and particularly touching the monitory aspect. It is an offence which is to be investigated by resorting to custodial interrogation of the applicant.

5. I have carefully gone through the papers. It is a matter of record that the charge sheet has been filed. However simultaneously, one cannot forget the role attributable to the applicant. Being a government Servant who was in charge Sub-Registrar, *prima facie* it was his primary duty to verify recovery of the Government dues. Allegedly, in collusion with

the main accused he has allowed a document to be registered by recovering the stamp duty and registration charges and even a false E-challan is generated to facilitate such a registration but the amount has not been credited in the Government account. His custodial interrogation seems imperative.

6. Considering the gravity of the offence and aforementioned aspects, the application is rejected.

(MANGESH S. PATIL, J.)

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