

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

29 ANTICIPATORY BAIL APPLICATION NO.1055 OF 2021

Sandipan s/o Nivrutti Sabde,
Age 60 years, Occ. Pensioner,
R/o. 'Krushigandha', Veer Savarkar Nagar,
Ambajogai Road, Latur,
Tq. & Dist. Latur.

VERSUS

The State of Maharashtra

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Mr. A.N.Irpatgire, Advocate for the applicant
Mr. A.S.Shinde, APP for the respondent-State

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CORAM : PRAKASH D. NAIK, J.

DATE : 4th OCTOBER, 2021

PER COURT :

1] This is an application for anticipatory bail in CR No.0189/2019 registered with Killari Police Station, Dist.Latur for the offences punishable under 420 and 409 read Section 34 of the Indian Penal Code.

2] The first information report was lodged at the instance of Taluka Agricultural Officer, Ausa Dist.Latur. It is alleged that the work of construction of Jalyukta Shivar was implemented for Taluka in the year 2016 - 2017. The work of Compartment Bunding under the scheme of Jalyukta Shivar were completed for village Kumtha, Tq.Ausa Dist. Latur. The said work was assigned to M/s. M.S.Constructions, Dharur Road. The allegation against the applicant is that he was Agricultural Supervisor.

He was supposed to accept the work, carried out measurement and submit appropriate report. He acted in connivance with the co-accused and submitted incorrect report. The co-accused had claimed excessive amount towards the work performed by them.

3] The learned counsel for the applicant drew my attention to the order passed by this Court granting anticipatory bail to the co-accused played vital role in this case. It appears from the order that the amount was secured by issuing direction to the applicant therein to deposit the entire amount. There is delay in lodging FIR.

4] Learned APP submitted that personal inquiry was conducted. The role played by he applicant and the co-accused was revealed and since loss was caused to the authorities, the FIR was registered.

5] It is noted that the co-accused were granted anticipatory bail with direction to deposit the amount of Rs.22,96,683/-.

6] In the light of factual matrix of this case, the custodial interrogation of the applicant is not called for and hence this application can be allowed. Hence, I pass following order :

ORDER

(i) Anticipatory Bail Application No.1055 of 2021 is allowed.

- (ii) In the event of arrest of applicant in CR No.0189 of 2019 registered with Killari Police Station, Dist.Latur, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall appear before Investigating Officer on 12th, 13th and 14th October, 2021 between 11.00 am to 01.00 pm and thereafter, as and when called by the concerned Investigating Officer till filing of the charge-sheet.
- (iv) The Application stands disposed of.

(PRAKASH D. NAIK, J.)

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