

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

922 ANTICIPATORY BAIL APPLICATION NO.1314 OF 2019

Dr. Sanjay Venkatesh Dahasahasra,
Age 64 years, Occ. Consultant,
Residing at 911, C Wing, Urvi Park,
Opp. Oswal Park, Pokhran Road No. 2,
Thane West 400 607.

... **Applicant.**

VESRUS

The State of Maharashtra.

... **Respondent.**

...

Advocate for the Applicant : Mr. Jaydeep V. Thakkar
APP for the Respondent/State : Mrs. R.P. Gaur.

ANTICIPATORY BAIL APPLICATION NO. 1302 OF 2019

Rajashree w/o Jayantrao Sasane,
Age 58 years, Occ. Social Work,
R/o. Ward No.3, Girme Chowk,
Shrirampur, Tq. Shrirampur,
District Ahmednagar.

... **Applicant.**

VERSUS

The State of Maharashtra,
Through : The Police Inspector,
Shrirampur City Police Station,
Tq. Shrirampur, Dist. Ahmednagar.

... **Respondent.**

...

Advocate for the Applicant : Mr. R.R.Karpe.
APP for the Respondent/State : Mrs. R.P. Gaur.
Advocate for Assist to APP : Mr. Shaikh Mazhar A. Jahagirdar.

ANTICIPATORY BAIL APPLICATION NO. 1390 OF 2019

Mr. Sumant Ganpatrao More,
Age 45 years, Occ. Service as
Dy. Commissioner, Aurangabad,
Municipal Corporation, Aurangabad.

Tq. & Dist. Aurangabad.

... **Applicant.**

VERSUS

The State of Maharashtra,
Through : The Police Inspector,
Shrirampur Police Station,
Tq. Shrirampur, Dist. Ahmednagar.

... **Respondent.**

...

Advocate for the Applicant : Mr. D.S. Bagul.
APP for the Respondent/State : Mrs. R.P. Gaur.

ANTICIPATORY BAIL APPLICATION NO. 1318 OF 2019

M/s. Laxmi Civil Engineering Services
Private Limited Through and for Director
Shirish Rajendra Doshi, Age 38 years, Occ. Business,
R/o. 1148 E Ward, Sykes Extension, Tq. Karveer
Dist. Kolhapur.

... **Applicant.**

VERSUS

1) The State of Maharashtra
For Shrirampur Police Station,
Tq. Shrirampur, Dist. Ahmednagar.

2) The Superintendent of Police
Ahmednagar, Tq. & Dist.
Ahmednagar.

... **Respondents.**

...

Advocate for the Applicant : Mr. P. V. Mandlik, Senior Advocate,
h/f Mr. A.S. Gandhi.

APP for the Respondent/State : Mrs. R.P. Gaur.

ANTICIPATORY BAIL APPLICATION NO. 11 OF 2021

Rajendra s/o Vijay Sutawane,
R/o. Sangamner Tq. Sangamner
Dist. Ahmednagar

... **Applicant.**

VERSUS

The State of Maharashtra, Through
Police Inspector, Shriram (City) Police
Station Dist. Ahmednagar.

... **Respondent.**

CORAM : MANGESH S. PATIL, J.

DATE : 05.02.2021.

PER COURT :

Heard both the sides. In all these applications various accused from

Crime No. 618/2019, registered with Shrirampur (City) Police Station, District Ahmednagar for the offences punishable under Sections 403, 406, 409, 420, 465, 466, 467, 468, 471, 477A read with Section 34 of the Indian Penal Code are seeking bail in the event of their arrest.

2. In sum and substance the allegations are to the effect that there was misappropriation, breach of trust by resorting to forgery done by the persons who were holding various posts under the Municipal Council consultants and engineers while implementing a scheme of underground drainage system worth Crores of rupees.

3. During the course of earlier hearing it transpired that the report on the basis of which these applicants and the other accused were being sought to be prosecuted was stayed by the State Government. A fresh enquiry was initiated under a three member committee. It submitted its report *inter alia* concluding that though there were various administrative and procedural infirmities and irregularities, there was no misappropriation.

4. Considering such state of affairs, it was specifically directed on the last date to the Prosecutor to solicit instructions from the Investigating Officer in the light of such latest report.

5. The learned A.P.P. on written instructions from the Investigating Officer submits that the Investigating Officer has undertaken a scrutiny and has seen the subsequent report of the enquiry.

6. In spite of the Investigating Officer having gone through this report, no further report is submitted by the Investigating Officer to oppose the present applications wherein since October 2019 the *ad interim* protection is in operation.

7. Considering all the aforementioned facts and circumstances, it would be just and proper to grant anticipatory bail subject to usual terms and

conditions.

8. The learned advocate for the original informant who has filed application seeking permission to assist the learned A.P.P. while contesting the Anticipatory Bail Application vehemently submits that the informant intends to oppose the applications tooth and nail. The learned advocate would also submit that he may have to resort to appropriate proceedings soliciting directions inter alia even for changing the Investigating Officer.

9. Needless to state that the informant may have his own remedies under law. However, when the subsequent report apparently is in favour of the applicants and the prosecution is unable to oppose the applications, no further opportunity needs to be extended to the informant to oppose these applications.

10. All the Applications are allowed.

11. In the event of arrest of the applicants in connection with Crime No. 618/2019, registered with Shrirampur (City) Police Station, District Ahmednagar for the offences punishable under Sections 403, 406, 409, 420, 465, 466, 467, 468, 471, 477A read with Section 34 of the Indian Penal, they shall be released on bail on their executing personal recognizance for an amount of Rs. 25,000/- (Rs. Twenty Five Thousand only) each and furnishing a solvent surety in the like amount each, subject to following conditions:

(a) They shall attend the concerned police station as and when called by the Investigating Officer and shall extend him cooperation.

(b) They shall not tamper the evidence or influence the witnesses.

(MANGESH S. PATIL, J.)

mkd/-