

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 735 OF 2021

Sachin Anilkumar Kamble ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 610 OF 2021

Ramasubramanian Sankaran & Ors. ...Applicants

Versus

State of Maharashtra & Anr. ...Respondents

.....

Mr. Satish Maneshinde, Ms. Anandini Fernandes, Mr. Adhiraj Malhotra and Ms.Prangana Barua i/b.Bharucha and Partners for the Applicants in ABA/ 610/2021.

Ms. Anjali Patil a/w. Mr. Akshay Topiwala for the Applicant in ABA/735/2021.

Mrs. Anamika Malhotra, APP for the Respondent-State.

Pl. Dorge, I.O. EOW, Solapur City present in Court.

Mr. Vishwanath Patil a/w. Mr.Kewal Arya and Mr. Ankit Lodha for Respondent No.2 in both ABA's

Ms.Snehal Chapalgaonkar, Computer Programmer, Solapur Municipal Council.

.....

CORAM: V.G.BISHT, J.

DATE: 21st OCTOBER, 2021

PC:-

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 54 of 2021, registered with Sadar Bazar Police Station, Solapur, under Sections 120B, 163, 166, 182, 218, 406, 409, 420, 468, 471 of the Indian Penal Code (for short 'IPC') and under Section 43 of the Information Technology Act, 2000.

2. Informant, Smt. Snehal Sham Chapalgaonkar, was working in Solapur Municipal Corporation (hereinafter referred to as "SMC") as a Computer Programmer. According to her, SMC had given work order to M/s. Cybertech System Software Pvt. Ltd. for completing Geographical Information Survey (hereinafter referred to as "GIS") survey, preparing bills for tax collection, receipts, new registration and self assessment etc. The company was expected to host all these

programmes and data on survey of SMC. For the entire work, the price was fixed at Rs. 5.20 Crores. The present applicants are connected with the said company. The Applicants in Anticipatory Bail Application No. 610 of 2021 are the Executive Director, Vice President, Assistant Manager, employee and Assistant Engineer respectively. Similarly, the Applicant Sachin Anilkumbar Kamble in Anticipatory Bail Application No. 735 of 2021 was appointed as Nodal Officer. He was supposed to co-operate with the company and it was his duty to get the work completed and submit a report to the officers of SMC.

3. The prosecution alleges that the company without completing the job submitted bills for Rs. 3,83,04,868/-. The Applicant Sachin Anilkumbar Kamble gave completion certificate and, therefore, the company paid Rs. 3,46,07,309/- . However, it was revealed that majority of the work was still incomplete. The data was not hosted on SMC's server and in general the system was not working at all. Accordingly, the FIR was lodged.

4. Mr. Maneshinde, learned Counsel for the Applicants in ABA No. 610 of 2021, at the very outset, submits that all the issues between the parties have been resolved to the satisfaction of SMC and in such circumstances, there remains nothing in the matter. The interim protection granted in favour of the Applicants therefore needs to be confirmed.

5. Ms. Patil, learned Counsel for the Applicant in ABA No. 735 of 2021, supports the submission made by learned Counsel for the Applicants in ABA No. 610 of 2021.

6. Mrs. Malhotra, learned APP, on the other hand, fairly submits that in view of settlement of issues between the parties, the prosecution does not need custody of the Applicants and therefore, an appropriate order may be passed.

7. The learned Counsel for Respondent No.2-Informant tenders Affidavits of Respondent No.2, which are taken on record and marked 'X' and 'X-1' respectively for identification.

8. Perused Affidavits. I have also heard learned Counsel for Respondent No.2 informant.

9. From the Affidavits, it is clear from paragraph No.6 that a joint meeting of the Corporation and representatives of the Applicant company was held concerning all the 17 issues and all the issues have been resolved. In view of this, this Court may pass an appropriate order in the interest of justice.

10. Having heard all the parties to the Applications and as also perusal of the Affidavits, which have been filed today by learned Counsel for Respondent No.2 informant, it is more than clear that the differences between the parties in respect of the contractual work have been amicably and to the satisfaction of SMC are worked out. Learned APP has also fairly submitted about non-requirement of the custody of the Applicants for interrogation purposes. This being so, I am inclined to allow both the Applications. Hence, the following order :

ORDER

- i) Applications are allowed.
- ii) The ad-interim protection granted by this Court on 16th March, 2021 in favour of the Applicant in Anticipatory Bail Application No. 735 of 2021 is confirmed and made absolute.
- iii) The ad-interim protection granted by this Court on 15th March, 2021 in favour of the Applicants in Anticipatory Bail Application No. 610 of 2021 is confirmed and made absolute.
- iv) The condition imposed on the Applicants to attend the office of Economic Offences Wing, Solapur as and when called and shall co-operate with the investigation, in the light of submission of learned APP, is withdrawn.
- v) The Applications stand disposed of accordingly.

(V.G.BISHT, J.)