

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

ANTICIPATORY BAIL APPLICATION NO.670 OF 2021

Pritam Govind Bhare Applicant
Versus
The State of Maharashtra Respondent

Mr. Ajit R. Pitale, Advocate for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 05th APRIL, 2021

P.C. :

1. This is an application for anticipatory bail in C.R. No.15 of 2021 registered with Shahapur Police Station, Thane Rural for offences under Sections 409, 420 r/w 34 of Indian Penal Code. The FIR was registered on 7th January 2021.

2. The case of prosecution is that Aasangaon Gram Panchayat allotted tender of construction of underground sewage pipeline to the applicant on 25th December 2019. The work had to be completed on or before 25th May 2020. The advance amount for purchase of cement pipes was disbursed to the applicant to the extent of Rs.35.33 lakh. It is alleged

that the applicant has partly completed the work worth Rs.6,95,593/- and there is misappropriation of Rs.28,37,407/-.

3. The applicant's contention is that he has purchased pipes worth Rs.12 lakh and then completed the excavation and other work. Thereafter lock-down was declared and on account of several difficulties the work could not be completed till 25th May 2020. Subsequently the lock-down conditions were relaxed in August-2020 and thereafter the applicant had recommenced the work and completed it to the extent of Rs.33,68,134/-. The applicant completed the remaining work up to 27th November 2020 and reported the same to Sarpanch and other authorities. However, FIR was registered on 7th January 2021 by suppressing the fact that applicant has completed the sanctioned work. The applicant is relying upon documents annexed to this application in support of his submission.

4. Learned Counsel for the Applicant has produced a letter dated 31.3.2021 issued by the Sub-Engineer attached to PWD Department, Panchayat Samiti, Shahapur addressed to

the investigating officer. In that letter it is mentioned that the valuation of the completed work was Rs.35,46,091/-. From this letter it appears that some part of the work is still remaining, but, majority of the work is completed. A copy of this letter dated 31.3.2021, is taken on record and marked 'X' for identification.

5. Learned A.P.P., on instructions, states that the Applicant has completed major portion of the work. However, there is some dispute about some small portion of the work which has still remained incomplete.

6. Considering this stand, in the background of the allegations and the statement made by learned A.P.P., the Applicant's custodial interrogation does not appear to be necessary. Instead, purpose will be served if he is directed to attend the office of the investigating agency as and when called to give his explanation. In this view of the matter, the Applicant can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.15 of 2021 registered with Shahapur Police Station, Thane Rural, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)