

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.792 OF 2020

Ankita Ankush More @ Sarojini Dattatray
Kshirsagar

Applicant

versus

The State of Maharashtra

Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.919 OF 2020

Sunilsing Navalsing Patil
versus

Applicant

The State of Maharashtra

Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.476 OF 2021

Sudhir Harishchandra Patil
versus

Applicant

The State of Maharashtra

Respondent

Ms.Ankita Pawar i/by H.G.Khambete in ABA No.476/2021.

Mr.Laxman S. Deshmukh for applicant in ABA No.919/2020.

None for applicant in ABA No.792/2020.

PSI R.R.Kendre, Shahapur Policfe Station, Thane, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th March 2021

Manish
S. Thatte

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Manish S. Thatte
Date: 2021.03.26
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PC :

1. The applicants in all these applications are apprehending arrest in connection with the First Information Report (for short “FIR”) registered against them. The applications were heard together. Considering the fact that the common issue is involved in these applications.

2. The applicant in Anticipatory Bail Application No.792 of 2020 is apprehending arrest in C.R. No. I-84 of 2020 registered with Shahapur Police Station for offences under Sections 409, 420, 468, 471, 472, 467 r/w Section 34 of Indian Penal Code. Anticipatory Bail Application No.919 of 2020 pertains to C.R. No. 85 of 2020 registered with the same Police Station for similar offences and Anticipatory Bail Application No. 476 of 2021 relates to C.R. No. 72 of 2020 registered with the same Police Station for similar offences.

3. The case of the prosecution is that Public Interest Litigation bearing No. 153 of 2012 was filed before this Court and directions were issued to the state to hold inquiry under the commission of Inquiry Act, 1952 in relation to the alleged misappropriation of the funds entrusted to the Tribal Development Department meant for their various project for upliftment of the Tribal Community. The retired Judge of this Court was appointed to hold inquiry and submit report. The inquiry was conducted and the report was submitted. The FIRs' were registered against various persons pursuant to said report.

4. The applicants in these applications were working with the Tribal Development Department and they were holding different posts. The applicant Ankita Ankush More was working as Inspector. It is alleged that the amount of Rs.3,84,000/- was sanctioned for training of 32 beneficiary of 12th Std. Tribal Science students for Common Entrance Test for the year 2007-2008. The co-accused Mukund Ghodke was the Project Officer. The applicant Ankita More was supposed to visit the place of Science Academy and confirm and submit the report to the Project Officer as to whether the scheme is properly implemented. The applicant visited the place of academy after training period is over and submitted visit report subsequently

on 20th June, 2008. Mukund Ghodke was arrested. The charge-sheet has been submitted against him. He was granted bail.

5. The contention of said applicant is that the departmental inquiry has been initiated against her. The applicant was not concerned with disbursement of the funds. Mukund Ghodke was arrested and granted bail.

6. The applicant in Anticipatory Bail Application No. 919 of 2020 is apprehending arrest in C.R. No. 85 of 2020. It is alleged that the applicant was Tribal Inspector of Integrated Tribal Development Programme and he visited the Computer institute situated at Thane and recommended the said institute. There was misappropriation of Rs. 72,720/- during the period 2007-2008. The contention of the applicant is that the defalcation is for the period of 2007-2008. He is not involved in the misappropriation of the amount. Custodial interrogation of the applicant is not necessary. In similar case this Court has granted anticipatory bail. The applicant in Anticipatory Bail Application No. 476 of 2021 is apprehending arrest in C.R. No. 72 of 2020. The case of the prosecution is that the applicant and staff of Tribal Development were involved in misappropriation of Rs. 8,52,770/-. The applicant was working as project officer of integrated Tribal Development Programme, Shahapur, during the financial period from 2005-06 and in connivance with officers instead of implementing the scheme for providing the HDP Pipe Scheme to the beneficiaries, the amount was misappropriated. The incident had occurred in 2004 to 2006. Out of 58 beneficiaries, 25 beneficiaries were traced out. It was found that 12 persons had not received any pipe. The contention of the applicant is that he has retired as Joint Commissioner Tribal Development Commissionerate at Nashik. He was posted as Project Officer. He has cooperated with

the Investigation. The applicant was project officer during the period from 2005-06. The accused charged similar offences is granted anticipatory bail. Reliance is placed on the order passed by this Court in the application preferred by Namdev Vishnu Patil Viz. Anticipatory Bail Application No. 2144 of 2018.

7. Learned APP had relied upon the affidavit to oppose the applications for anticipatory bail. It is submitted that role attributed to the applicants has been reflected in the affidavit-in-reply. It is submitted that investigation is in progress.

8. From the documents it appears that the transactions are from 2005-2008. In pursuant to inquiry FIR's were registered. The contention of the investigating officer is that the applicants have not cooperated. The applicants were granted interim protection vide order dated 5th March 2021 with a direction to appear before Investigating Officer on stipulated dates. It is submitted that the applicants have complied the directions of reporting the Investigating Officer. Considering the factual aspects as stated above, the applicants need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) The anticipatory bail applications are allowed and disposed of;
- (ii) Interim order dated 5th March 2021 is confirmed;
- (iii) In the event of arrest of the applicant Ankita Ankush More @ Sarojini Dattatray Kshirsagar in connection with C.R. No. I-84 of 2020, applicant Sunilsing Navalsing Patil in connection with in C.R. No. 85 of 2020, applicant Sudhir Harishchandra Patil in connection with in C.R. No. 72 of 2020, registered with Shahapur Police

Station, they may be released on bail on executing P. R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(ii) The applicants shall attend the Investigating Officer as and when called for till filing of charge sheet.

9. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST