IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1070 OF 2020

Dnyaneshwar Sadashiv Patil .... Applicant

Versus

The State of Maharashtra .... Respondent

Mr. Umesh Mankapure for Applicant.
Mrs. J. S. Lohokare, APP for State/Respondent.
Mr. S. S. Magdum, HC-343, Sangli City Police station, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th JANUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.444 of 2020 registered at Sangli City Police Station, on 21/11/2020, under sections 420, 406, 409, 464, 467, 468 and 471 r/w.34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Mankapure, learned counsel for the applicant and Mrs. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.) is lodged by one Amar Singh Chavan who was employed with Sangli Miraj Kupwad Municipal Corporation as an Electrical Engineer. He has stated in his F.I.R. that the electricity consumption bills were paid by the municipal corporation in respect of street lights and electricity consumed in the municipal corporation building itself. The bills were collected and brought to the office of the municipal corporation by the present applicant. After making entries in the register in respect of meter reading etc. the accounts department used to issue cheques. Those cheques and the list of the consumer numbers through which the cheques were to be credited used to be collected by the applicant and used to be taken to Vasantrao Chougule Nagari Sahakari Patsanstha, where the payments for bills were accepted. The F.I.R. mentions that the cheques issued for the consumer numbers of the municipal corporation were not credited with the entire amounts and most of the amounts were diverted to different consumers. Thus, the amounts were misappropriated and some consumers and consequently present applicant had obtained

pecuniary benefit.

4. The learned counsel for the applicant submitted that the applicant has not committed any offence and he is willing to co-operate with the investigation. His role was only to collect the cheques and possibly the misappropriation was committed by the employees of the credit society in whose hands the cheques were given.

5. The learned APP has produced investigation papers before me. They contain statement of certain consumers who had entrusted the job of making payment of their electricity bills to this applicant. There are allegations that the applicant had tampered with the list given along with the cheques and thereafter the amounts were credited to various accounts of the consumers. According to the investigating agency, now the misappropriation which has come to light is to the tune of Rs.1,29,95,898/-. The allegations are that, even the employees of credit society are involved.

6. I have considered submissions of the parties. The offence, undoubtedly, is serious. Huge amount is misappropriated. The main job of collecting the cheques with the list was entrusted to the present applicant. There are allegations that the list itself was tampered with. The applicant used to make payment for other consumers also. The amount which ideally should have been credited to the respective consumer numbers of municipal corporation; was diverted to various accounts of different consumers. The complicity of the applicant is borne out from the F.I.R. itself, as well as, from the statements of the consumers. Custodial interrogation of the applicant is necessary. No case for grant of anticipatory bail is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)