

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

ANTICIPATORY BAIL APPLICATION NO. 1490 OF 2019

Sonaram s/o Kisanrao Khanande .. Applicant
V/s.

The State of Maharashtra ..Respondent

Mr. Sanjay Shinde for the Applicant.

Mr. Y.Y. Dabke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

**DATE : 31ST JULY, 2021
(Through Video Conferencing)**

PC.

1. The Applicant apprehending arrest in connection with investigation of Crime No. I-25 of 2019 registered with Jawahar Police Station, District Palghar under Section 420, 467, 409 and 177 of IPC is seeking pre-arrest bail.

2. According to the prosecution, contract for construction of a ladies hostel at Ashram Shala, Jawahar was given to the Contractor Mr. Rakesh Shivde, proprietor of M/s. Guredeo Construction, in the year 2011-2012. The contract was for an amount of Rs.45.08 lakhs. As per the complaint lodged by Mr. Ashok Malgavi, a Senior Clerk of

P.W.D., it is alleged that when the Executing Engineer of P.W.D. visited the said site, it was found that the construction was of a substandard quality. According to the prosecution, the concerned contractor had made the construction at the cost of Rs.42.32 lakhs as against the sanctioned amount of Rs.45.08 lakhs. Insofar as the present Applicant is concerned, he was at the relevant time working as a Deputy Engineer of P.W.D., Jawahar. The learned counsel for the Applicant points out that the Applicant was transferred to Wada Sub-Division on 03.07.2012 and has thereafter, retired on 31.05.2013. It is submitted that the relevant bills of the contractor have been sanctioned by the Executing Engineer and not by the Applicant and Applicant has no role to play in the matter.

3. The learned APP points out that it was the duty of the present Applicant to visit the site and to monitor the quality of the construction.

4. I have considered the circumstances and the submissions made. The record shows that interim protection was granted to the Applicant on 02.08.2019 on condition of attendance. The learned counsel for the Applicant points out that accordingly the Applicant has attended and his statement was recorded by the Investigating

Officer. Considering the over all circumstances and the nature of allegations, I do not find that custodial interrogation of the Applicant is necessary.

5. In the result, the following order is passed:

i) In the event of arrest, in connection with the investigation of Crime No. I-25 of 2019 registered with Jawahar Police Station, District Palghar, the applicant shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall attend the Investigating Officer as and when required and shall co-operate with the Investigating Agency.

iii) The Applicant shall not tamper with the prosecution evidence/witnesses.

iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

6. The application is disposed of in the aforesaid terms.

C.V. BHADANG, J.