

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO.239 OF 2020

Prashant Tukaram Kuttarmare

...Versus...

State of Maharashtra through PSO, P.S. Laheri,
Tah. Bhamragadh, Distt. Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.V. Sirpurkar, Advocate for the applicant
Shri M.K. Pathan, APP for non-applicant/State

CORAM : N.B.SURYAWANSHI, J.

DATE : 30/06/2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The applicant apprehends his arrest in Crime No. 03/2020, registered with Laheri Police Station, Tah. Bhamragadh, District Gadchiroli for the offence punishable Sections 409, 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. First Information Report is lodged by the incharge Executive Engineer, Works Division, Zilla Parishad, Gadchiroli alleging that applicant/accused no.1 was awarded contract for construction of Hindewada to Pitekasa road. The work order was issued on 12.12.2019 and the work was to be completed on 11.09.2020. The accused Nos. 2 and 3 being Assistant Engineer Grade-II and incharge Sub-

Divisional Engineer, Etapalli were to supervise and evaluate the said work. Only sixty percent of work was done. The accused Nos. 2 and 3, in collusion prepared forged bogus record, recorded false measurement and facilitated the applicant/accused no.1, to obtain ninety percent amount of contract i.e. Rs.24,83,684/- through cheque and thereby misappropriated the government funds and caused loss to the public exchequer.

4. Heard the learned Advocate for the applicant and the learned Additional Public Prosecutor for the State. Perused the case diary.

5. It is not disputed that applicant/accused no.1- Contractor had received total payment of Rs.47,93,332/- towards the works done by him, including the present work. He has deposited Rs. 32,00,000/- on 10/06/2020 with the department and he initially has deposited an amount of Rs. 18,00,000/- as security deposit with the department. Thus, total amount of Rs.50,00,000/- is deposited with the department.

6. The applicant was directed to attend the concerned Police Station vide order dated 16/06/2021. The applicant has attended the Police Station and has cooperated in the investigation. The said fact is not disputed by the learned Additional Public Prosecutor.

7. Taking into consideration the nature of the allegations and the fact that the investigation pertains to the documents, which are in the custody of Investigating Officer and the fact that the investigation appears to be almost complete, pre-trial custodial detention of the applicant is not necessary. Hence the following order.

- (i) The application No. 239/2020 is allowed by making the interim order dated 07/07/2020 absolute.
- (ii) Till filing of the charge-sheet, the applicant shall attend the concerned Police Station as and when called by the Investigating Officer.
- (iii) The applicant shall not tamper with the prosecution evidence.

JUDGE