

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

CRIMINAL APPLICATION (ABA) NO. 243 OF 2020

Prashant Tukaram Kuttarmare

...Versus...

State of Maharashtra through PSO, P.S. Bhamragad,
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. 20/2020, registered with Bhambragadh Police Station, District Gadchiroli for the offence punishable Sections 409, 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. In short the prosecution case is that the Government had granted approval for construction of road from Madveli to Sipanpalli. The construction work was to start from 24/01/2020 and was to be completed by 31/03/2020. The accused Nos.2 and 3 being Assistant Engineers Grade-II and in-charge Sub Divisional Engineer were to evaluate and to

supervise the work done by the applicant. When panchanama was conducted by B.D.O., Bhamragadh, on 06/06/2020, it was found that no construction work was done. After the panchanama, the applicant has done temporary road with the help of mud. JCB and tractor which was substandard and which was damaged in the rain. The applicant therefore without doing the work has obtained the payment 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. The applicant contends that he received total payment of Rs.47,93,332/- for the construction work of the road and 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. He further submits that due to the lodging of F.I.R. the remaining work could not be completed.

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 taking into consideration 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.243/2020 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