

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

CRIMINAL APPLICATION [ABA] NO.275 OF 2020

[Waman s/o Pratayalaya Bodalwar .vs. State of Maharashtra, through PSO, PS Laheri, Tah.
Bhamragadh, District-Gadchiroli]

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

Court's or Judge's orders

Shri A.R. Wagh, Advocate for Applicant,
Shri M.K. Pathan, APP for Non-Applicant-State.

CORAM : N.B. SURYAWANSHI, J.
DATED : JUNE 30, 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. 04/2020, 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 accused no.1-Contractor was awarded contract for construction of culvert on Hindewada to Irapnar road. The work order was issued on 12.12.2019 and the work was to be completed on 11.06.2020. No work of the said culvert was done. The applicant being incharge Sub-Divisional Engineer, Etapalli and co-accused Assistant Engineer, Grade-II were expected to supervise and evaluate

the said work. Both of them, in collusion with the accused no.1-Contractor, prepared false record to show that the work was done and facilitated the contractor to receive the payment of Rs.1,64,684/- 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 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.275/2020 is allowed by making the interim order dated 10/07/2020 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.

(N.B. Suryawanshi, J.)