

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

LD-VC- CRIMINAL APPLICATION (ABA) NO. 631 OF 2020

(Prakash s/o Devraoji Shankhadarbar vs. The State of Maharashtra thr. PSO, PS, Laheri,
Taluka – Bhamragad, 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 V.N. Morande, Advocate for the applicant.

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CORAM : PUSHPA V. GANEDIWALA, J.
JULY 07, 2020.

Heard Shri Morande, learned counsel for the applicant.

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

The applicant, who is serving as a Junior Engineer at Zilla Parishad, Works Division, Gadchiroli, apprehends his arrest in Crime No. 20 of 2020 registered at Bhamragad Police Station for the offences punishable under Sections 409, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

It is submitted that the aforesaid crime is registered against three persons i.e. Contractor – Shri Prashant Tukaram Kuttarmare, Waman Patalaya Bodalarwar, Incharge Sub-Divisional Engineer, Z.P.

Works Department, Etapalli and the present applicant.

The complainant – Ajay R. Kakdalwar is said to be the rival of the contractor, to whom road construction works (three contracts) were allotted in December 2019.

It is alleged that in the aforesaid three contracts, the accused in collusion, got approved the running bills and remitted to the Contractor – accused No. 1, though no work on actual side was executed, to the tune of the bills approved.

It is submitted that on the complaint of Ajay R. Kakdalwar, the Chief Executive Officer, Zilla Parishad, has directed inquiry through Block Development Officer, who is not a technical person, having no knowledge of Civil Engineering. It is further submitted that the Contractor, under protest and to save his reputation, has already deposited Rs. 32 lakh with Zilla Parishad, Gadchiroli, on 10.06.2020, besides his Security Deposit of Rs.18 lakh, already lying with Zilla Parishad, Gadchiroli, as against the alleged misappropriation of Rs.47,93, 332/-.

It is further submitted that the time limit for which the contract was to be executed is yet to be completed and the further work was stalled due to lock down situation which is created in view of present pandemic crisis.

At this stage, relying on the aforesaid submissions and in order to protect the Government servant and the Contractor from humiliation and ignominy, ad-interim protection needs to be granted. Hence, the following order :

Issue notice to the non-applicant, returnable on 21.07.2020.

Shri N.R. Rode, learned APP waives notice for the non-applicant – State.

In the meanwhile, in the event of arrest of the applicant – Prakash Devraoji Shankhadarbar in Crime No. 20 of 2020, he shall be released on execution of Personal bond of Rs.50,000/- with one or two sureties bonds in the like amount. The applicant shall fully cooperate during investigation and make available himself as and when called by the Investigation Officer.

The applicant shall not try to tamper with witnesses or documentary evidences.

The learned counsel for the parties to submit the hard copies of the pleadings and documents, following the notice published on the website.

This order be communicated to the counsel appearing for the parties, either on the email address or on Whatsapp or by such other mode, as is permissible in law.

JUDGE

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