

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

CRIMINAL APPLICATION (ABA) NO. 381 OF 2020

Sushant Ashokrao Nimkarde

...Versus...

State of Maharashtra through PSO, P.S. City Kotwali, Tq. And Distt. Amravati

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 S.D. Sirpurkar, APP for non-applicant/State

CORAM : N.B.SURYAWANSHI, J.

DATE : 18/06/2021

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. 0251/2020, registered with City Kotwali Police Station, Amaravati for the offences punishable under Sections 420, 468, 471 r/w Section 34 of the Indian Penal Code.

3. It is the prosecution case that the applicant and other co-accused persons misappropriated Government funds of Rs.2,49,22,000/- by submitting thirteen forged bills. Got the bills sanctioned and disbursed the amount amongst themselves in collusion with each other. The bills pertain to the construction of toilets under Swacha Maharashtra Abhiyan Scheme by Amravati Municipal Corporation.

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

5. It is the case of the applicant that he is not concerned with the contract. The contract was given to accused Gajanan Dhewale. Since Gajanan Dhewale did not have GST number, at the request of common friend, the applicant permitted Gajanan Dhewale to use his bank account number and GST number. An amount of Rs.25,33,000/- towards the payment of bills of Gajanan Dhewale was received in the account of applicant.

6. Gajanan Dhewale has sworn an affidavit and submitted a representation to the Commissioner of Amravati Municipal Corporation that the applicant had no concern with the alleged offence and he was not given any contract. As Gajanan Dhewale had no GST number, on a request by a common friend, the applicant permitted him to use his GST number and bank account number. A payment of Rs. 25,33,000/- of Gajanan Dhewale was received in the account of the applicant, and the applicant has handed it over to Gajanan Dhewale. The applicant therefore has no concern with the alleged offence.

7. Taking into consideration the fact that the applicant had no role to play except that his bank account

and GST number were utilized by main accused and since the main accused has averred that the amount received in the account of the applicant is already received by the accused, *prima facie* the applicant's involvement in the matter appears to be doubtful.

8. The applicant was granted interim anticipatory bail on 10/12/2020 and applicant has cooperated in the investigation. The offence is registered in the month of August-2020 and the investigation, by now, appears to be almost complete.

9. In that view of the matter, the application is allowed in terms of the interim order dated 10/12/2020.

10. Till filing of the charge sheet, the applicant to attend the concerned Police Station as and when called by the Investigating Officer. The applicant shall not tamper with the prosecution evidence.

JUDGE