

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 ANTICIPATORY BAIL APPLICATION NO.426 OF 2022

DILIP LAHANU DOKHE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. A.M. Gaikwad, Advocate for the applicant

Mr. A.M. Phule, APP for respondent Nos.1 and 2

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 05th MAY, 2022

PER COURT :

1 The applicant is apprehending his arrest in connection with Crime No.33/2022 dated 25.02.2022 registered at Rajur Police Station, Dist. Ahmednagar, for the offence punishable under Section 420, 409 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. A.M. Gaikwad for the applicant and learned APP Mr. A.M. Phule for the respondent Nos.1 and 2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Admittedly the applicant was serving in Panchayat Samiti, Shevgaon and prior to that he was serving as Auditor with Child Development Project at Rajur, Tq. Akole, Dist. Ahmednagar. Informant Bharti Kachru Satalkar is his immediate superior and it is stated that after inspection of the record in view of the suspicion that he was not handing over the charge inspite of his transfer, it revealed some misdeeds and then the inquiry was conducted and the report was given to the Chief Executive Officer, Zilla Parishad, Ahmednagar on 17.02.2022. It is, therefore, stated that the applicant has misappropriated amount of Rs.2,39,057/-.

4 The First Information Report came to be lodged on 25.02.2022, however, prior to that it appears that a notice was sent by Child Development Project Officer on 24.12.2021 stating that the applicant should deposit amount of Rs.2,81,008/- which was inclusive of the interest amount. Now, the applicant has shown that on 28.12.2021 he had deposited the cheque for the amount of Rs.2,81,008/-. Under such circumstance, the physical custody of the applicant appears to be not required. As regards the action under Maharashtra Civil Services Rules are concerned that may be taken up but the physical custody appears to be not required, though the amount stated in the First Information Report appears to be more than the deposited amount. A fact is then required to be noted is that though the amount was deposited on

28.12.2021, there is no mention about the same in the First Information Report. The First Information Report is also silent on the point as to when in the notice, that was issued to the applicant on 24.12.2021, the figure that was given, of which the responsibility of the applicant was Rs.2,81,008/-, would have increased to Rs.2,39,057/-. The misappropriation is also stated to be from 01.06.2016 to 30.09.2021. How this misappropriation could not have been noticed earlier is also a question. For which the answer will have to be given by the prosecution at the time of trial. Therefore, with necessary conditions the application deserves to be allowed.

ORDER

1 Application stand allowed.

2 In the event of arrest of the applicant viz. **Dilip Lahanu Dokhe**, in connection with Crime No.33/2022 dated 25.02.2022 registered at Rajur Police Station, Dist. Ahmednagar, for the offence punishable under Section 420, 409 of the Indian Penal Code, he be released on PR. Bond of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

3 Applicant shall not indulge in any criminal activity nor shall

tamper with the prosecution evidence, in any manner.

4 He shall cooperate with the investigation and shall remain present before the Investigating Officer on Saturday and Sunday, between 10.00 a.m. to 02.00 p.m., till filing of charge sheet.

5 He should produce all those documents which would be called upon by the Investigating Officer from him.

(Smt. Vibha Kankanwadi, J.)

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