

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.978 OF 2022

**VYANKAT SHAHUJI MUNDE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Karpe Rahul R.
APP for Respondent/State : Mr. K.S. Patil
...

CORAM : S.G. MEHARE, J.

DATED : 22nd AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant was a Sectional Engineer at the time of alleged incident. He has done his job promptly. Bills submitted by the contractor were verified from the oil companies and oil company had informed that those bills were genuine. However, the false allegations have been levelled against the applicant that in collusion with the contractor, he sanctioned the bills for goods which were not purchased from the authorized company and thereby put the Government to huge economic loss. It is also been argued that a query has been raised by the Department of the Audit of Accountant General at Nagpur. The said query was issued to the contractor and a thorough inquiry was made and it was satisfied that the bills placed

on record by the contractor were not forged. However, the complainant is an MLA from another constituency having grudge against some of the contractors. He used to lodge the report. Everything was done correctly. The alleged incident is of the year 2010. Not only this, the measurement book was in the custody of the concerned staff, therefore, there is no substance in the allegations that the applicant has misplaced the measurement book. That apart, every record is lying with the office therefore, the custodial interrogation is not required.

3. Learned APP has strongly opposed the application contending that the applicant in collusion with the contractor has received the forged bills and it has been transpired subsequently when the detailed inquiry was made by the Government. A huge amount has been siphoned by the applicant with the help of the contractor. Therefore, the custodial interrogation of the applicant is necessary.

4. Perused the papers. The case has a checkered history since 2010. Detailed observations have been recorded by this Court while granting the bail to the contractor. The record reveals that the record match the bills with HPCL and BPCL. So far as the measurement book is concerned, it was informed to the complainant that it was lying with the concerned clerk. There was contradictory evidence on the bitumen bills. The offence pertains to the documents.

Considering the allegations and the nature of investigation, this Court is of the view that the custodial interrogation of the applicant would serve no purpose. Hence, the following order :

ORDER

(A) The application is allowed.

(B) Interim protection granted to the applicant by order dated 22.07.2022 is confirmed on the same terms and conditions of bail bonds with a further condition to attend the police station as and when called by the Investigating Officer on written notice.

(S.G. MEHARE, J.)