

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 229 OF 2022

Laxman Shahu Ghayvat

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Dushyant Pagare for the Applicant.
Mrs.A.A.Takalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 21st APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No.I-70 of 2021 of Kinhavali Police Station, Shahapur, Thane, for offences under Section 420, 406, 465, 471, 477(a) and 34 of Indian Penal Code.

2. Heard Mr. Pagare, learned Counsel for the Applicant and Mrs. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Ramesh Pundalik Mahale the Village Development Officer, Shahapur Panchayat Samiti. The records prima facie reveal that a complaint was received from the villagers of Village Shendrun, seeking inquiry in the affairs of the Gram Panchayat, Shendrun, pursuant to which an inquiry

was conducted. It was revealed that an amount to the tune of Rs. 69,44,686/- was misappropriated. Hence the FIR came to be lodged against the Sarpanch, the Village Development Officer, and the Applicant, who was the Secretary of the Panchayat Samiti, and others for committing the aforesaid offences.

4. By order dated 09.03.2022, this Court had granted interim bail to the Applicant and had directed him to produce all the relevant records which were in his possession. Learned APP states that pursuant to the said order, the Applicant has appeared before the Investigating Officer and has produced the records. Learned APP however states that the Applicant is yet to be interrogated on the basis of the documents. The said interrogation can be carried out without seeking custodial interrogation.

5. Considering the nature of the offence and allegations in support thereof, in my considered view, this is not a case which warrants custodial interrogation. Hence, the application is allowed on following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.No.I-70 of 2021 of Kinhavali Police Station, Shahapur, District Thane, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer as and when

required and called for by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(v) The Applicant shall not interfere with the complainant and the other witnesses, or tamper with the evidence in any manner.

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(ANUJA PRABHUDESSAI, J.)