

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

ANTICIPATORY BAIL APPLICATION NO.1199 OF 2022

**PRIYA
RAJESH
SOPARKAR**

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SOPARKAR

Date: 2022.05.05
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Shri Vinod Narayan Patkar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Dr.Uday P. Warunjikar alongwith Mr.Shantanu Adkar and Mr.Pramod Belose i/by Mr.Ditendra K. Mishra, Advocates for the Applicant.
Mr.R.M.Pethe, APP for the Respondent/State.
Mr.Navnath Rasal, PSI and PN /48 Mr.S.B.Patil, Jaykheda Police Station present.

**CORAM : VINAY JOSHI, J.
DATE : 04th MAY, 2022.**

P.C.:-

1. In anticipation of arrest in Crime No.83 of 2022 registered with Jaykheda Police Station, District Nasik for the offence punishable under Sections 420, 409, 465, 471 r/w 34 of the Indian Penal Code, the applicant is seeking for pre-arrest protection.

2. The applicant has claimed bail on the ground of innocence, false implication, inadequacy of evidence etc. Besides that it is argued that the entire case is based on documentary evidence which is already seized by Investigating Officer. Preliminary inquiry was held in which the liability was fixed against co-accused. It is submitted that there may be some lapses on the part of the applicant. However, his custodial interrogation is not necessary. It is submitted that the applicant is a government servant i.e. Section Engineer, therefore, there is no chances of abscondance. The State resisted bail by contending that the applicant in privy with co-accused assisted in preparing false record to misappropriate public money. Learned APP

took me through the investigation papers to indicate that though some work was already existed within the knowledge applicant, still he facilitated in preparing false record.

3. Under 14th Finance Commission funds were allotted for executing certain civil work for concerned Gram Panchayat. Though FIR speaks about six items about a dubious transactions, admittedly applicant being Section Engineer of Water Department, was concerned with three of them. Precisely, it is alleged that as regards to first work of construction of switch room, the measurement never matches to the work done. The second item was of construction of water reservoir. It is alleged that new water reservoir was not constructed, but false measurements of old constructed water reservoir were shown. Likewise pipeline work was not done, but measurement was shown and accordingly, government money was misappropriated.

4. The applicant was supposed to personally take measurement who allegedly made false entries in the measurement book knowingly that measurement work was not done. The inquiry report is tendered on record which shows that after inquiry the liability was fixed on Sarpanch and Secretary of the Gram Panchayat. Admittedly, the money was withdrawn by Sarpanch and was directly disbursed to the contractors. At the time of inquiry all the documents were seized. It was well within the knowledge of the Investigating Agency as to whom money was distributed. The concerned measurement books are taken into custody. The allegation pertains to financial deflection to the tune of Rs.12 lakhs and something odd. No substantial ground has been canvassed by the State about requirement of custodial interrogation. The applicant is a public servant and is ready to abide by all the conditions and to co-operate the Investigating Agency. Having regard to all above

facts, applicant's liberty can be protected by directing him to join the course of investigation. In view of that, following order :-

- (a) The application stands allowed.
- (b) In the event of arrest, the Applicant/Accused namely - Vinod Narayan Patkar in Crime No.83 of 2022 registered with Jaykheda Police Station, District Nasik for the offence punishable under Sections 420, 409, 465, 471 r/w 34 of the Indian Penal Code, he be released bail on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall attend the concerned Police Station on every Sunday in between 10.00 a.m. to 12.00 noon till filing of chargesheet.
- (d) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.
- (e) The application stands disposed in above terms.

(VINAY JOSHI, J.)

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