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

BAIL APPLICATION NO. 2935 OF 2021

Shri.Dnyaneshwar Sadashiv Patil ...Applicant

Versus

The State of Maharashtra ...Respondent

.....
Mr.Umesh R. Mankapure for the Applicant.
Mrs. Anamika Malhotra, APP for the Respondent -State.

.....
CORAM : V.G.BISHT, J.
RESERVED ON : 10TH DECEMBER, 2021
PRONOUNCED ON : 20TH JANUARY, 2022

PC:-

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 444 of 2020 registered with Sangli City Police Station, Sangli for the offence punishable under Sections 420, 406, 409, 464, 467, 468, 471 read with 34 of the Indian Penal Code (the IPC).

2. The informant is an electrical engineer working with Sangli, Miraj, Kupwad Municipal Corporation. The said

Municipal Corporation paid electricity consumption bill. The bills were collected and brought to the office of Municipal Corporation by applicant. After making entries in the register in respect of meter reading etc, the accounts department used to issue cheques. The cheques and the list of consumer number/ bills through which the cheques were to be credited were collected by applicant and used to be deposited with Vasant Rao Chougule Nagari Sahkari Patsanstha.

3. Prosecution alleges that the cheques issued against the electricity bills/ consumer number of the Municipal Corporation were not credited in its entirety but were settled in the name of different consumers. As such, the moneys of private consumers as well as the Corporation were misappropriated by applicant during the period from 23rd May, 2019 to 1st June, 2020. The First Information Report reflects a figure of Rs. 31, 83,510/- as the amount of misappropriation done by applicant. Supplementary statement of informant was recorded on 10th December, 2020 and thereby

misappropriated amount was escalated to Rs. 1,29,95,898/- .

4. Mr. Mankapure, learned Counsel for the applicant, submits that surprisingly none of the employee either from MSEB (Maharashtra State Electricity Board) or MSEDCL (Maharashtra State Electricity Distribution Company Limited) is made an accused by prosecution despite the alleged huge amount of misappropriation. According to learned Counsel, the case is based on documents and all the relevant documents have been seized by the investigating officer during the course of investigation. The applicant is in custody since more than a year. Charge-sheet has already been filed. No purpose would be served by keeping the applicant behind the bars.

5. Mrs.Malhotra, learned APP, on the other hand, opposes the submissions by contending that duty of the applicant was to collect the MSEB bills in the form of cheques. However, he collected the bill amount in cash. Learned APP then invited my attention to the statements of various prosecution

witnesses and would submit that having regard to the huge amount of misappropriation, the applicant should not be enlarged on bail.

6. Perused investigation papers.

7. There is no dispute from the side of applicant that the applicant was not entrusted with the duty of collecting electricity bills from consumers. I have also gone through the statements of witnesses, namely, Sachin Ramchandra Mohite, Shital Arun Sadlagee, Chandrakant Gajanan Mali, Charudatt Yashwant Mali and Chetan Suresh Dadage.

8. The statement of Sachin Ramchandra Mohite shows that he used to give amount of electricity bill in cash to the applicant and has given the details of bill amount for the month of February, 2020 in the sum of Rs. 3680/- According to him, he used to get message on his mobile about the payment of electricity bill.

9. Shital Arun Sadlagee states in her statement that she also had given the electricity bills amount in cash totaling Rs. 25,040/-. She also used to get message on her mobile.

10. Chandrakant Gajanan Mali states in his statement that he made payment of electricity bills in the form of cheques totaling Rs. 5,99,210/-. He also used to get message on his mobile. Sometimes the applicant used to give him receipts and sometimes not.

11. Similar is the statement of Charudatt Yashwant Mali.

12. The statement of Chetan Suresh Dadage also shows that he had given the electricity bills amount in cash to the tune of Rs. 36,010/- and used to receive message on his mobile.

13. All the above said witnesses have clearly stated their mode of payment to applicant. There may be other number of consumers, who similarly might have paid their respective bill

amount to applicant. The possibility of role of other employees, who are concerned with billing department, having regard to colossal amount of misappropriation cannot be ruled out.

14. Having regard to the material on record and as also the amount of misappropriation involved, in my considered view, the applicant has not been able to make out a case for bail. Hence, the following order :

ORDER

Bail Application is rejected.

(V.G.BISHT, J.)