

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Anticipatory Bail Application (ABA) No. 765 of 2022

Mahesh Haridas Gadewar

Versus

State of Maharashtra, through Police Station Officer, Police Station Sadar,
Nagpur

WITH

Anticipatory Bail Application (ABA) No. 766 of 2022

Sandeep Arunrao Awachat and others

Versus

State of Maharashtra, through Police Station Officer, Police Station Sadar,
Nagpur

WITH

Anticipatory Bail Application (ABA) No. 768 of 2022

Sanjay Shitlaprasad Pandey

Versus

State of Maharashtra, through Police Station Officer, Police Station Sadar,
Nagpur

WITH

Anticipatory Bail Application (ABA) No. 774 of 2022

Sanjay S/o Marotrao Badodekar

Versus

State of Maharashtra, through Police Station Officer, Police Station Sadar,
Nagpur

WITH

Anticipatory Bail Application (ABA) No. 818 of 2022

Sanjay S/o Laxmanrao Bhakte

Versus

State of Maharashtra, through Police Station Officer, Police Station Sadar,
Nagpur

WITH

Anticipatory Bail Application (ABA) No. 838 of 2022

Mahendra S/o Pandurang Chinchhare

Versus

State of Maharashtra, through Police Station Officer, Police Station Sadar,
Nagpur

WITH

Anticipatory Bail Application (ABA) No. 840 of 2022

Nilesh S/o Suresh Hinge

Versus

State of Maharashtra, through Police Station Officer, Police Station Sadar,
Nagpur

WITH

Anticipatory Bail Application (ABA) No. 841 of 2022

Vikesh S/o Dharmaraj Hajare

Versus

State of Maharashtra, through Police Station Officer, Police Station Sadar,
Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

In ABA No.765 & 766, 768 of 2022

Shri S.S.Sohani, Advocate for the applicant.

Shri N.R.Rode, APP for the State / Non-applicant

In ABA No.774, 838, 840 and 841 of 2022

Shri H.D.Dangre, Advocate for the applicant.

Shri N.R.Rode, APP for the State / Non-applicant

In ABA No.818 of 2022

Shri Firdos Mirza, Advocate for the applicant.

Shri N.R.Rode, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 20th DECEMBER, 2022.

In all these applications, the applicants are
seeking pre-arrest bail under Section 438 of Code of
Criminal Procedure in Crime No. 321 of 2022

registered with Police Station Sadar, Nagpur City for the offences punishable under Sections, 420, 467, 468, 471 read with Section 34 of Indian Penal Code.

2. The prosecution case is that the applicants who are civil contractors participated in respective e-tender process for various civil works taken up in District Nagpur by the Zilla Parishad, Nagpur and which were awarded to the respective contractors. It is alleged that as per the terms of the contract, the applicants would be allowed to get the refund of the security deposit after three years of issuance of completion certificate of the contract work upon the approval by the Authorised Officer, Zilla Parishad, Nagpur. However, the applicants allegedly withdrew the amount of security deposits before the stipulated period and thereby cheated the public body of Zilla Parishad, Nagpur.

3. This Court in similar offence registered as Crime No. 293 of 2021, granted anticipatory bail on the ground that accused completed the work and on certification of completion of work, the amount was withdrawn.

4. The following chart discloses the date of completion of works by respective contractors/applicants.

Sr. No.	Case details	Work order	Work completed on
1	ABA No. 774 of 2022 Sanjay Badodekar Vs. State	15/05/2020	20/06/2020
2.	ABA No.838 of 2022 Mahendra Chinchghare Vs. State	15/05/2020	27/12/2020
3.	ABA No. 840 of 2022 Nilesh Hinge Vs. State	04/06/2020	25/08/2020
4.	ABA No.841 of 2022 Vikesh Hajare Vs. State	22/05/2020	01/10/2020
5.	ABA No.818 of 2022 Sanjay Bhakte Vs. State	05/09/2019 31/03/2020 15/05/2020	26/09/2021 in all works
6.	ABA No.765 of 2022 Mahesh Gadewar Vs. State	15/06/2020	17/07/2020
7.	ABA No. 766 of 2022 Sandeep Awachat Vs. State	26/05/2020 26/05/2020	16/10/2020 24/06/2020
	Ramesh Puri Vs. State	26/05/2020	30/03/2021
	Om Barde Vs. State	15/06/2020 15/06/2020	14/12/2020 15/06/2020
8.	ABA No. 768 of 2022 Sanjay Pande Vs. State	07/06/2019 But work handed over in Nov.2020	20/07/2020

5. Admittedly, in all anticipatory bail applications the First Information Report is dated 1st August, 2022 i.e. after about two years on completion of works by the respective applicants, except the one in

relation to applicant Ramesh Puri which was completed on 30th January, 2021.

6. In the said backdrop as the investigation is almost completed and the relevant record is in possession of the Investigating Officer, I am of the opinion that the custodial interrogation of the applicants is not necessary. According, I pass the following order.

- i. All criminal applications are allowed;
- ii. In ABA Nos.765 of 2022, 766 of 2022 and 768 of 2022, it is directed that in the event of arrest of the applicants in Crime No.0321 of 2022 registered with Police Station Sadar, Nagpur City for the offence punishable under Sections 420, 467, 468, 471 read with Section 34 of Indian Penal Code, they shall be released on interim bail on furnishing P.R.Bond of Rs.15,000/- each with one solvent surety in the like amount;
- iii. The applicants in ABA Nos.765 of 2022, 766 of 2022 and 768 of 2022 shall attend concerned police station on **2nd January, 2023** to **7th January, 2023** between 10 am and 12 noon and thereafter as when their presence is required;
- iv. *Ad interim* order dated 1st November, 2022 in ABA No. 774 of 2022 is hereby confirmed with modification that the applicant shall attend concerned

police station on **2nd January, 2023** to **7th January, 2023** between 10 am and 12 noon and thereafter as when his presence is required;

iv. *Ad interim* order dated 23rd November, 2022 in ABA No. 818 of 2022 is hereby confirmed with modification that the applicant shall attend concerned police station on **2nd January, 2023** to **7th January, 2023** between 10 am and 12 noon and thereafter as when his presence is required;

iv. *Ad interim* order dated 30th November, 2022 in ABA Nos. 838 of 2022, 840 of 2022 and 841 of 2022 are hereby confirmed with modification that the applicants shall attend concerned police station on **2nd January, 2023** to **7th January, 2023** between 10 am and 12 noon and thereafter as when their presence is required;

All criminal applications are disposed of.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.12.26
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