

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 442 OF 2023

1. Rajendra S/o Namdeo Kamble,
Age : 45 years, Occ: Computer
Operator, R/o. Loni,
Tq. Udgir, Dist. Latur.
2. Atul S/o. Anurath Ghodke,
Age : 40 years, Occ: Computer
Operator, R/o. Vidyanagar,
In front of Petrol Pump,
Jalkot Road, Udgir, Tq. Udgir,
Dist. Latur

...Applicants

Versus

The State of Maharashtra,
Through Police Station Udgir City,
Tq. Udgir, Dist. Latur.

...Respondent

Mr. V. D. Gunale, Advocate for the Applicants.
Mr. G. O. Watamwar, APP for Respondent – State.

CORAM : R.M. JOSHI, J.

**RESERVED ON : JUNE 06, 2023
PRONOUNCED ON : JUNE 09, 2023**

ORDER

1. Applicants are apprehending arrest in connection with Crime No. 75/2023 registered with Udgir City Police Station, Tq. Udgir, Dist. Latur for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. Ganpat Pawar, Joint District Registrar, Class I gave report to the police about receiving direction from Collector, Latur to lodge first information report. It was found that in the year 2015-2016 the work of data entry was assigned to M/s. Rudrani Infotech and accordingly Applicants were working as the Data Entry Operators in the office of Joint Sub-Registrar, Class II, Udgir. In respect of the documents registered during the said period, an inquiry was conducted wherein it was found that the E-challans were reused without defacing them and thereby cause loss to the revenue of the State. It is alleged that the present Applicants are responsible for the same.

3. Learned Counsel for the Applicants state that the Applicants were entrusted only with the job of effecting data entry and the Registrar was responsible for the acceptance of registration. It is submitted that there is nothing on record to show that it was the duty of these Applicants to make sure that the challans paid for the registration fee are defaced and that they are not reused. It is also pointed out that the amount of stamp duty, which was alleged loss to revenue of the

State, has already been deposited by the concerned Registrar. It is further submitted that the Applicants are still working in the said office and that their custodial interrogation is not necessary.

4. Learned APP opposed the said submission by referring to the investigation papers. According to him, being the data entry operator initially it was the responsibility of the Applicants to verify as to whether the challans submitted along with document is genuine and not reused. It was also their duty to deface challans and since they have failed to discharge their duty, there is reason to believe their involvement in the crime in question. It is submitted that having regard to the nature of offence, it is not the fit case for grant of anticipatory bail.

5. There is no dispute about the fact that the present Applicants are working on contract basis only for the purpose of effecting data entries in respect of document brought of the registration. *Prima facie* there is nothing on record to show that it was the responsibility of these Applicants to verify the document in question including the challans submitted

along with it and to deface the challans so that the same is not reused. As regards the investigation of the crime is concerned, the entire record is available with the office of Sub-registrar of Assurances, Udgir. Nothing is to be recovered from the present Applicants and hence, their custodial interrogation is not necessary.

6. It is also informed to this Court that the loss caused to revenue of State by way of reuse of challans, has already been made good by the concerned Registrar. Thus, it is not the case wherein any amount is required to be recovered from the present Applicants.

7. By passing interim order dated 30th March, 2023 the liberty of the Applicants was protected and they were directed to appear before the Investigating Officer as and when required for the purpose of investigation. There is nothing to show that the said liberty was misused by them. Having regard to the facts and circumstances of the case and more particularly in view of the fact that the custodial interrogation of the Applicants is not necessary, it is a fit case to

confirm the said order.

8. Accordingly, Application stands allowed by confirming interim protection granted to the Applicants vide order dated 30th March, 2023.

(R.M. JOSHI, J.)

Malani