

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.765 OF 2023

**PRADEEP SANATAN HINGE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Deshmukh Vivekanand B.
APP for Respondent/State : Mr. S.B. Narwade
...

CORAM : S.G. MEHARE, J.

DATED : JUNE 07, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.369 of 2022 registered with Anandnagar Police Station, District Osmanabad for the offence punishable under Section 420, 406, 409, 465, 467, 468, 470, 471, 477 r/w 34 of Indian Penal Code.
3. The applicant has a case that he had made the complaints about the irregularities and illegalities committed in the work of village roads. The Tahsildar, Osmanabad had conducted the inquiry in detail and submitted its report on 19.12.2022. The District Collector, Osmanabad has made the inquiry which he has placed on record on dated 20.12.2022. Considering the report of the Tahsildar, the District Collector, Osmanabad observed that the money was paid

when the applicant was on leave. Hence, it would not be appropriate to held him responsible for the illegalities. However, without considering this fact, the applicant has been falsely implicated in the crime. Nothing is to be recovered from him. Hence, he may be granted bail.

4. Per contra, learned APP would submit that the Deputy Collector (EGS), Osmanabad by letter dated 27.12.2022 held that as per the report of the Tahsildar dated 19.12.2022, the applicant was held responsible for the illegalities committed in construction of the road. He would further argue that the offence is serious. The public money has been siphoned. The investigation is in progress. Hence, he may not be granted bail.

5. Perused the papers available before the Court. *Prima facie*, it seems that the same inquiry report of the Tahsildar dated 19.12.2022 was considered in the order of the Collector dated 20.12.2022 and the letter of Deputy Collector (EGS) dated 27.12.2022. This appears to be a contradictory observation about the same inquiry report. The material on record reveals that the applicant since beginning was complaining against the Block Development Officer for committing the irregularities and illegalities in the construction work. Two contradictory views on the same inquiry report favours the contention of the applicant that he has been falsely implicated in the crime. As far as the recovery of the record is

concerned, it is lying with the office. For that purpose, the custodial interrogation of the applicant would not be required. The applicant is languishing since 03.04.2023. Considering the facts of the case, the Court is of the view that it would not be appropriate to keep the applicant behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Pradeep Sanatan Hinge, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the documentary evidence.
- (iii) The applicant shall attend the concerned police station as and when called on written notice by the investigating officer, till filing the charge sheet.

(S.G. MEHARE, J.)