

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1698 OF 2022

Sandeep Rustumrao More

...Applicant

VERSUS

The State of Maharashtra and Another

...Respondents

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Mr. N.S. Ghanekar, Advocate for the applicant.

Mr. A.V. Deshmukh, APP for respondents.

Mr. P.M. Nagargoje, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 27th FEBRUARY, 2023

ORDER :

1. Applicant apprehends arrest in Crime No. 380 of 2022, registered with Phulambri Police Station, District-Aurangabad for offence punishable under sections 378, 379, 405, 406, 409, 420, 465, 468, 471, 120B of the Indian Penal Code.

2. FIR is lodged by Manoj Kapure, an employee of Forest Department, alleging that contract of cutting and transportation of trees on Aurangabad- Jalgaon road was given to one Rutvik Lanco Joint Venture. It is alleged that said company entered into contract with Jay Babaji Firewood Suppliers owned by Accused No. 7. Accused No. 7 engaged

Accused Nos. 1 to 6 as his partners. Applicant is named as accused No. 8 and it is alleged against him that applicant has issued transport passes to other accused persons without visiting the spot and verifying the documents. The transport passes issued by the applicant are forged and fabricated and they are issued to the vehicles like moped, luna and two wheeler. Therefore, all the accused persons in collusion have committed misappropriation, cheating and forgery.

3. Heard the learned advocate for the applicant, learned Additional Public Prosecutor for respondents and learned advocate for informant. Perused the investigation papers.

4. Applicant is a Forester working in Forest Department. It is the prosecution case that he has issued passes to fictitious vehicles which cannot transport wood. He did not go to the spot and without verification and without taking measurement of wood, in collusion with other accused persons, he issued fictitious passes.

5. It appears from the record that departmental enquiry is held against the applicant and punishment of stoppage of one increment for a temporary period and censure is passed against him.

6. Applicant was granted interim protection and was directed to attend the police station. He has attended the police station and has co-operated in the investigation. Nothing is to be recovered from the applicant. Applicant being government servant is not likely to flee from justice. In that view of the matter, application is allowed.

7. In the event of arrest of applicant in connection with Crime No. 380 of 2022, registered with Phulambri Police Station, District- Aurangabad for offence punishable under sections 378, 379, 405, 406, 409, 420, 465, 468, 471, 120B of the Indian Penal Code, the applicant shall be released on executing personal bond of Rs. 15,000/- with one surety in the like amount.

8. Till filing of charge sheet, applicant shall attend the concerned police station on every Sunday between 10.00 am to 2.00 pm and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]