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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1700 OF 2022

Gajanan Chandrakant Kalyankar	APPLICANT
VERSUS	
The State of Maharashtra and Another	RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO.1428 OF 2022

Rahul Vitthal Suryawanshi	APPLICANT
VERSUS	
The State of Maharashtra and Another	RESPONDENTS

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Mr. Majit S. Shaikh, Advocate for the applicants
Mr. V. S. Badakh, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th JANUARY, 2023

ORDER :

1. Applicants, Assistant Technical Officer and Assistant Programme Officer, respectively, were working on contractual basis in Collector Office, Hingoli. They apprehend arrest in Crime No.165 of 2022 registered with Aundha Nagnath Police Station, Taluka and District Hingoli for offence punishable under sections 420, 409, 465, 466, 467, 468, 474, 477 read with 34 of the Indian Penal Code.

2. FIR is lodged by Sakharam Raghoji Bele, Block

Development Officer, Panchayat Samiti, Aundha, alleging that on 14th June, 2022, he was informed by the Chief Executive Officer that there is misappropriation of Rs.26,37,990/- in 'Gabian embankment' constructed under the Maharashtra Rural Employment Guarantee Scheme, within Aundha Nagnath Taluka. Letter of District Collector, Hingoli dated 27th May, 2022, Enquiry Report dated 8th June, 2022 and letter of District Collector dated 9th June, 2022 are referred to. He, therefore, alleged that officers and contractors, in collusion, have misappropriated the said amount.

3. Heard learned advocate for the applicants and learned Additional Public Prosecutor for the State. Perused the papers of investigation.

4. Services of the applicants, who were working on contractual basis, are terminated. Case of the prosecution is based on documents, which are already seized by the Investigating Officer. The investigation appears to be almost complete. The applicants were granted interim protection, they have attended the police station and co-operated in the investigation. In these facts, pre-trial custodial detention of the applicants is not warranted.

5. The application is, therefore, allowed by confirming the interim order. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the Investigating Officer. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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