

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2859 OF 2022

Ashutosh Prakash Savaskar ..Applicant

v/s.

The State of Maharashtra . ..Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2920 OF 2022**

Kumar Ambadas Nanda ..Applicant

v/s.

The State of Maharashtra . ..Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 3134 OF 2022**

Atul Vishnupant Bhalerao ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Jayant Bardeskar for the Applicant in ABA/2859/2022
Mr. Sagar Tambe for the Applicant in ABA/2920/2022
Mr. Sharad T. Bhosale for the Applicant in ABA/3134/2022
Mr. Shrikant Yadav, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 3rd APRIL, 2023.**

P.C.

1. The Applicants herein seek pre-arrest bail apprehending their arrest in Crime No. 469 of 2022 registered with Jail Road Police Station,

Solapur for offences under Section 429, 420 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Avinash Waghmare, Divisional Officer of Solapur Municipal Corporation. It is alleged that the Applicant herein had shown entries of excess water distribution through tankers and thereby cheated the Municipal Corporation and misappropriated an amount of Rs.1,42,000/-. It is stated that the regular bill of water supply would normally be Rs.25,00,000/-. However, in the year 2016-2017 it went upto Rs.96,00,000/- and in the year 2017-2018 the bill was Rs.99,00,000/- . Learned Counsel for the Applicant states that the water supply had increased, and the area was extended due to drought during these two years. Learned Counsel for the respective Applicants states that the Applicants shall deposit Rs.1,42,000/- which is allegedly misappropriated. Learned APP has not been able to place before the Court any material to prima facie show that the Applicants herein had fabricated entries to show excess water distribution as against the actual supply of water.

4. In the circumstances, in my considered view, this would be a fit case to exercise discretion under Section 438 of Cr.P.C. Hence the applications are allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in Crime No.469 of 2022 registered with Jail Road Police Station, Solapur, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer.
- (iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. The Applications stand disposed of.

(ANUJA PRABHUDESSAI, J.)