

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2398 OF 2022**

1. Sangita Vilas Mudgun	
2. Santosh Chandrakant Damse	
3. Sima Ramdas Damse	...Applicants
Versus	
The State of Maharashtra	...Respondent

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Mr. Raviraj Paramane for the Applicant.
Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 19 JANUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 272 of 2022 registered at Junnar Police Station, Pune for the offences punishable under Sections 420, 408, 409 read with 34 of the Indian Penal Code.

3. The learned counsel for the applicants on instructions submits that he seeks leave to withdraw the present application qua applicant No. 2- Santosh Chandrakant Damse. Leave as sought is granted. The application qua the applicant No. 2 is rejected.

4. On 30 August 2022, this Court passed the following order:

*“ This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R. No. 272/2022 registered with Junnar Police Station, Dist. Pune Rural for offences punishable under sections 420, 408, 409 r/w.34 of the Indian Penal Code.
2. Learned counsel for the Applicant states that misappropriation was by the Secretary, Sanjiv Lembhe and*

that the Applicants had already lodged a complaint against Lembhe before BDO. He states that in the inquiry, the Applicants have also been held responsible and directed to deposit 50% of the amount allegedly misappropriated by Limbhe. Learned APP states that Investigating Officer is not present and seeks time to take instructions. Till the next date of hearing, the Applicants are granted interim protection. Hence, the following order :-

(a) In the event of arrest of the Applicant in C.R.No.272/2022 registered with Junnar Police Station, Dist. Pune Rural, they shall be released on interim bail, on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more sureties in the like amount ; (b) The Applicants shall report to the Investigating Officer for three days from 05/09/2022 from 10:00 a.m. to 01:00p.m.

(c) The Applicants shall not interfere with the complainant and the other prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;(d) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

3. Stand over to 14/09/2022.”

5. This Court thereafter on 29 September 2022 passed the following order:

“1. In view of repeated default noticed on the part of Investigating Officer, Mr. Suresh Salunkhe, PSI, in investigation in the office being Crime No.272 of 2022 registered with Junnar Police Station, this Court initially directed Senior Police Inspector to look in the matter and assist APP in deciding the bail application.

2. Yesterday i.e. 28th September, 2022, when the matter was heard, APP was helpless as the Investigating Officer was unable to issue any instructions on the investigation carried out, as upon perusal of the papers APP has informed that said

Investigating Officer has not taken a single step in the matter there by investigating the offence.

3. In the aforesaid background, this Court was required to summon Addl. Superintendent of Police, Pune.

4. In compliance with the order of this Court dated 28th September, 2022, Addl. Superintendent of Police, Pune, Mr. Mitesh Ghatte and Senior Police Inspector, Junnar Police Station, Mr. Vikas Jadhav are personally present in the Court.

5. Both the officials have detailed discussions with APP Mr. A. A. Palkar. Addl. Superintendent of Police through APP has assured that all the investigations which are assigned to Mr. Suresh Salunkhe, PSI shall be supervised by Senior Officer of the rank of Assistant Police Inspector. It is further assured that progress report in the investigation carried out in this matter shall be made available to the APP with all relevant papers by 14th November, 2022.

6. This Court appreciates response shown by the Addl. Superintendent of Police in the matter.

7. On 30th August, 2022, this Court has granted ad-interim protection in favour of the applicants with directions to attend Investigating Officer.

8. It appears that the public money which was allotted to the Gram Panchayat for development purpose was mismanaged/embezzled by the applicants along with Gram Sevak. The total amount which was mismanaged is stated to be Rs.11,27,450/-. Applicant No.1 is Sarpanch, whereas applicant No.2 is Chairman of PESA Committee, whereas applicant No.3 is member of PESA Committee.

9. It is claimed by counsel for the applicants that their signatures were forged by the Gram Sevak. Be that as it may, said issue will be looked into by the Investigating Officer. However, counsel for the

applicants on instructions submits that an amount of Rs.2,00,000/- shall be deposited by each of the applicant within period of four weeks from today with the Investigating Officer without prejudice to their right to raise appropriate defence in the Trial Court, if so charge-sheeted.

10. The statement made by counsel for the applicants is accepted as an undertaking to this Court.

11. In that view of the matter, ad-interim protection to continue till then.

12. Matter to come up for consideration on 15th November, 2022.”

6. Pursuant to the above order dated 29 September 2022, the applicant No. 1 and applicant No. 3 have deposited the amount of Rs. 2,00,000/- each.

7. Considering the overall facts and circumstances of the case, interim order passed by this Court dated 30 August 2022 is hereby confirmed qua the applicant No. 1- Sangita Vilas Mudgun and applicant No. 3- Sima Ramdas Damse. Application is disposed of.

(N.R. BORKAR, J.)

Digitally
signed by
MANGALTAI
JAYWANT
JADHAV
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