



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 3167 OF 2023

Gokul Vasantarao Rathod

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr.Ashutosh Kale, for Applicant.

Mr. M. G. Patil, APP for State.

Mr. Sandip Gite, EOW, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 8th NOVEMBER, 2023

ORDER:-

1) Heard the learned counsel for the applicant and the learned APP for the State.

2) This application is preferred for pre-arrest bail in connection with C.R. No. 213 of 2023, registered with Shahapur Police Station, Thane for the offences punishable under Sections 420, 409, 464, 468 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3) The indictment against the applicant is that the applicant and the co-accused who were the officers/officials of the Marketing Federation had, in pursuance of a conspiracy, prepared false and forged documents to show the purchase of 3304 quintal paddy at Khardi paddy procurement centre and thereby defrauded the Marketing Federation of the sum of Rs.56,86,192/-. Likewise, the applicant and the co-accused had shown that 1425.80 quintal paddy was processed to 955.25 quintal rice and thereby defrauded the Marketing federation and the State Government of Rs.93,41,355 in the aggregate. It is alleged that a Three Member Committee had conducted an enquiry and submitted a report on 15th June, 2023. On the basis of the said report, FIR came to be lodged.

4) The learned Counsel for the applicant submitted that in the month of March, 2022 an enquiry was conducted by Five Members Panel presided over by the General Manager (Administration) Enquiry Officer. In the said enquiry, the allegations of preparation of false documents and non-procurement of the paddy were found to be incorrect. Therefore, the applicant deserves the exercise of discretion.

5) The learned APP submitted that as the earlier enquiry was not found to be proper, enquiry was conducted by Three Member

Panel and, in the said enquiry, the complicity of the applicant and the co-accused has been revealed. It was, inter alia, found that paddy was shown to have been procured from the agriculturists, who had no paddy crops in their fields at the relevant time.

6) The situation which thus obtains is that, at this stage, there are two enquiry reports. However, in the enquiry report dated 15th June, 2023, the enquiry committee has recorded the mode and manner of the alleged fraud with necessary particulars. The persons from whom the paddy was shown to have been purchased were either found to have no agricultural land in the concerned village or they had no paddy crop. The enquiry committee has also adverted to the other acts of malfeasance in showing the transportation of the paddy from the procurement centre to the concerned rice-mill, by furnishing numbers of vehicles, which were found to be in fact two-wheelers. Entry of procurement of paddy weighing 5633 quintal was deleted on the NeML Portal on 6th April, 2021 without any reason, though the said paddy was purchased on 31st March, 2021. Prima facie, there is material to indicate a large-scale fraud in the procurement of paddy.

7) Custodial interrogation of the applicant is warranted for an effective and complete investigation to unearth the fraud in all its facets, to unmask the identity of the person privy to the fraud and also have a money trail.

8) I am, therefore, not persuaded to exercise the discretion in favour of the applicant.

9) Hence, the following order:-

ORDER

I) The application stands rejected.

II) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

[N. J. JAMADAR, J.]