



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3261 OF 2023**

Jivan Krishna Thakre
versus
State of Maharashtra

... Applicant
... Respondent

Mr. Sujit B. Shelar with Mr. Shubham S. Shingade, Mr. Pranav P. More, Mr. Umair A. Ansari, Mr. Mohsin H. Khan, for Applicant.

Mr. S.H.Yadav, APP for State.

Mr. B.D.Pawar, PSI Kalyan Taluka Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 6 DECEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.593 of 2023 registered with Kalyan Taluka Police Station for the offences punishable under Sections 409, 420 read with Section 34 of the Indian Penal Code.
3. The applicant was posted as a Gramsevak at Grampanchayat Mharal during the period 2014-15. The applicant had allegedly issued a cheque in the sum of Rs.5,41,723/- on 9 September 2016 on the basis of valuation certified by the officer of the PWD without actual verification of the work executed by the contractor.
4. Learned Counsel for the Applicant invited attention of the Court to the Inquiry Officer submitted by the Assistant Commissioner (Enquiry) and Authorized Enquiry Tribunal, Konkan Division. The Inquiry Officer has completely exonerated

the applicant of the alleged misconduct. The Inquiry Officer has, inter alia, recorded that the applicant had released the amount after obtaining the permission of the competent officer who was authorized to give technical and financial approval. The applicant had not parted with the money without the approval of the competent officer. FIR is based on Inquiry Report.

5. Prima facie, the Inquiry Report completely exonerated the applicant from the alleged misconduct. There does not appear to be any prima facie nexus between the offences and the role attributed to the applicant. The applicant being the public servant appears to have roots in society. Possibility of fleeing away from justice appears to be remote. A similarly circumstanced co-accused Shilpa Ananta Bhoir has been granted pre-arrest bail in ABA 3312 of 2023 by an order dated 28 November 2023. The applicant is entitled to the same dispensation.

6. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Jivan Krishna Thakre in connection with C.R.No.593 of 2023 registered with Kalyan Taluka Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Kalyan Taluka Police Station on 14th and 15th December 2023 in between 10.00 a.m.

to 1.00 p.m., and thereafter, as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The application stands disposed.

(vi) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)