

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3409 OF 2023

Hemant Chandrakant Kulkarni ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Sachin Gite, for the Applicant

Mr. S.H. Yadav, APP, for the Respondent/State.

Mr. Ankush Navale, PSI, Vadner police station.

CORAM : N. J. JAMADAR, J.

DATE : DECEMBER 7, 2023

P.C.:

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

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 385 of 2023 registered at Vadner Khakurdi police station for the offences punishable under section 408 of Indian penal Code, 1860.

3. The applicant was posted as Head Master at Ravalgaon English School. On 9th October, 2023, a pick-up van laden with rice was apprehended. It transpired that the rice therein was stolen property. An offence was registered against the driver of the said pick-up van vide C.R. No. 385 of 2023.

4. The first informant who was posted at Panchayat Samiti, Nashik and holds charge of Pradhanmantri Poshanshakti Nirman Yojna, Panchayat Samiti, claimed to have examined the record of

Ravalgaon English School. There was discrepancy regarding 182 kg rice delivered at the school in the month of June, 2023 and, for the month of September, 2023 64 kg rice was shown less, in the closing balance. Hence, the report against the applicant and his predecessor Vikas Sonavane for having committed breach of trust by misappropriating the rice supplied under the said scheme.

5. The learned counsel for the applicant submitted that the applicant came to be posted at the said school in the month of June, 2023. The alleged misappropriation commenced in the month of March, 2023. The learned counsel invited attention to the accounts submitted by the applicant. It was urged that there was no discrepancy.

6. The learned APP submitted that to facilitate further investigation, the appearance of the applicant before investigating officer is warranted.

7. I have perused the allegations in the first information report. Since the applicant came to be posted at the school in the month of June, 2023, at best, the allegation of discrepancy of 64 kg rice at the closing balance for the month of September, 2023, can be attributed to the applicant. Having regard to the nature of accusation and the material on record which indicates that prima facie the school has maintained record, and the fact that the

applicant being the public servant has roots in society, and thus possibility of tampering with evidence and fleeing away from justice appears to be remote, I am inclined to exercise the discretion in favour of the applicant.

8. In the event of arrest in C.R. No.385 of 2023 registered with Vadner-Khakurdi police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

9. The applicant shall cooperate with the investigation and attend Vadner-Khakurdi police station, on 15th and 16th December 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

10. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

11. The applicant shall regularly attend the proceedings before the jurisdictional Court.

12. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)