



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 468 OF 2023
Pramod Pandurang Chauhan Vs. State of Maharashtra

WITH
CRIMINAL APPLICATION (ABA) NO. 420 OF 2023
Suresh Marotrao Madavi Vs. State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Akshay A. Naik, Advocate for applicant/s.
Mrs. M. A. Barabde, APP for non-applicant/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 03.10.2023

By the present applications, the applicants are seeking bail in connection with Crime No. 866/2022 registered with Awadhootwadi Police Station, District Yavatmal for the offence punishable under Sections 420, 465, 467, 468, 471 and 120B of the Indian Penal Code. Since, both the anticipatory bail applications are arising out of the same crime hence, they are being disposed of by common order.

2. Heard the learned counsel for the applicants and learned APP for the State and gone through the case-diary.

3. It transpires from the record that pursuant to the directions issued by the Judicial Magistrate First Class, Yavatmal, under Section 156(3) of the Criminal

Procedure Code on complaint of one Ajinkya Patil, a crime came to be registered for the aforesaid offence on the allegations that co-accused- Atul Asarkar submitted false work experience certificate in a Tender for installing 33 KV express fidder worth ₹6.54 crores under the Amrut Yojna. The e-Tender was allotted to M/s. Komal Electrical & Agencies, a proprietorship of Atul Asarkar. Later on, it was found that the said experience certificate was a fabricated certificate. The role assigned to applicant- Suresh Marotrao Madavi, who was Superintendent Engineer of Maharashtra State Electricity Distribution Company Ltd.(MSEDCL), Yavatmal, that he delayed in constituting the Committee for enquiry into the allegation of filing false experience certificate by Atul Asarkar whereas, the role assigned to the applicant- Pramod Pandurang Chauhan, who was working as Manager (Finance) in MSEDCL, Yavatmal that he gave false findings of the Committee rather there are three reports and all the times, the opinion of the Committee were changed as valid and invalid certificate.

4. It is submitted on behalf of the learned counsel for the applicants that no role has been played by the applicants in the alleged crime. The applicant- Suresh Madavi was Superintendent Engineer rather on his directions, the Committees were constituted and report were given by the respective Committees. Mere delay in constituting the Committee does not amount that the said applicant was involved in crime. According

to him, the official order has been passed by the said applicant.

5. It is also submitted by the learned counsel that the Committee was consisting of three members. All the three reports have been signed by all three members including the present applicant- Pramod Chauhan but, only the applicant- Pramod Chauhan has been made an accused. The applicant has nothing to do with the alleged crime. It is also submitted that the main accused- Atul Asarkar, who is beneficiary, is already been released on anticipatory bail. The charge-sheet is already been filed and nothing is required to be seized from the present applicants.

6. Perusal of the records goes to show that inspite of directions issued by the Chief Engineer, MSEDCL, applicant- Suresh Madavi caused the delay in constituting the Committee. Thus, the role assigned to applicant- Suresh Madavi, then Superintendent Engineer did take prompt action to constitute Committee. Likewise, the reports were prepared thrice. In two reports, it was held that the certificate is invalid and in one report it is stated that the said certificate is valid. The applicant- Pramod Chauhan, was a member of the Committee and one of the signatory to the reports. All three report are with the prosecution. It appears that nothing is required to be seized from the present applicants. The main accused- Atul Asarkar is already been released on anticipatory bail by the Apex Court and

the charge-sheet is already been filed. The applicants are government servants. There is no likelihood that the applicants will flee away from justice.

7. In view of above, considering the nature of allegations; and role assigned to the present applicants, a case is made out for exercising the discretion of bail. Hence, the following order:-

- i) Both the applications are allowed.
- ii) In the event of arrest, applicants- Pramod Pandurang Chauhan and Suresh Marotrao Madavi shall be released on executing a P. R. bond of ₹25,000/- (Rs. Twenty Five Thousand) each, with one solvent surety in the like amount in connection with Crime No. 866/2022 registered with Awadhootwadi Police Station, District Yavatmal for the offence punishable under Sections 420, 465, 467, 468, 471 and 120B of the Indian Penal Code.
- iii) The applicants shall attend the concerned Police Station on every Friday between 10:00 am to 12:00 noon for the next two weeks and thereafter, as and when directed by the Police.
- iv) The applicants shall not issue threat to prosecution witness or temper with prosecution evidence.

(M. W. CHANDWANI, J.)

