



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 100 OF 2024

YOGESHWAR LAXMAN MUNDHE

VERSUS

THE SUPERINTENDENT OF POLICE AND ANOTHER

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Mr. Dnyaneshwar B. Pokale, Advocate for Applicant

Mr. A.R. Kale, APP for Respondents – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14th FEBRUARY, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No. 578/2023, registered with Vaijapur Police Station, Aurangabad, for offence punishable under Section 409 of the Indian Penal Code.
2. FIR is lodged by Avinash Sampatrao Jengathe, Assistant Engineer, M.S.E.D.C.L., alleging that, on 21/06/2023 applicant Yogeshwar Laxman Mundhe joined as Senior Technician to Vaijapur city town – 2. Shelkewadi, Panwadi, Dattawadi, Khandobanagar and Waghvasti were in his jurisdiction. He was in-charge of fixing disconnected connection, repairing the lines, attending complaints of consumers, recovering pending electricity bills and depositing it with the account of company. On 10/11/2023, 17 consumers of electricity made complaint that they have deposited their light bill amounts with applicant, but he has not deposited the same with M.S.E.D.C.L. company. When they received subsequent bills, previous bill was shown outstanding. Applicant received amount of

Rs.3500/- from consumer Sumanbai Mule through phone pay and Rs.28,080/- from Anwar Abdul Pathan. Applicant issued duplicate receipt to Anwar Abdul Pathan. Applicant collected total amount of Rs.1,02,970/- from 17 consumers towards electricity bill but did not deposited it with the company and therefore, has committed misappropriation of said amount.

3. Heard learned APP for respondents – State and learned advocate for applicant. Perused the investigation papers.

4. Investigation papers reveal that applicant has collected bill payment amount of electricity from consumers but has not deposited the same with M.S.E.D.C.L. Company. Statements of consumers who have paid bill amounts to applicant are recorded during the course of investigation. According to investigating officer, duplicate receipt issued by applicant is seized during the investigation. Total amount of Rs.2,03,441/- is misappropriated by applicant. By order dated 27/10/2023, applicant is suspended and departmental inquiry is proposed against him.

5. For effective investigation custody of applicant is necessary. *Prima facie*, complicity of applicant in present crime is made out from the investigation papers. Applicant, therefore, does not deserve discretionary relief of anticipatory bail. In the result, application is rejected.

(NITIN B. SURYAWANSHI, J.)