



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 761 OF 2024

Narmada Sunil Mundhe

VERSUS

The State Of Maharashtra And Another

...

Mr. S. J. Salunke, Advocate for Applicant

Mr. P. K. Lakhotiya, APP for Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 672 OF 2024

Mukund Narayan Khade

VERSUS

The State Of Maharashtra

...

Mr. Pravin N Kalani, Advocate for Applicant

Mr. P. K. Lakhotiya, APP for Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 776 OF 2024

Nandu Nagorao Palewar

VERSUS

The State Of Maharashtra

...

Mr. D. V. Katneshwarkar, Advocate for Applicant

Mr. P. K. Lakhotiya, APP for Respondents

CORAM : R.M. JOSHI, J

DATE : OCTOBER 09, 2024

COMMON ORDER :

1. These applicants apprehend arrest in connection with Crime No. 47/2024 registered with Pimpaldari Police Station, Dist. Parbhani for the

offences punishable under Sections 420, 409, 465, 467, 471 read with Section 34 of the Indian Penal Code.

2. FIR indicates that at village Selmoha in Gut Nos. 78, 174 and 192 works of *nala* were done. However, in the joint inspection, no such work was found at the place. On these allegations, it is alleged against present Applicants that they have committed misappropriation of more than Rs. 19 lacs.

3. Learned Counsels for the Applicants have drawn attention of the Court to the charge-sheet filed in Crime No. 32/2017 registered with Gangakhed Police Station in respect of same work. They drew attention of the Court to the charge-sheet which indicates that when the said work was inspected, certain irregularities were found therein. Thus, it is their contention that once it is found that the work was incomplete, the question of accepting the allegation that no work at all was done does not arise. It is their further submission that in respect of the same work two offences are sought to be registered, which is not permissible in law. In any case, according to them,

custodial interrogation of the Applicants is not necessary.

4. Learned APP opposed the applications on the ground that the works in question were not expected to have been done by the Grampahaycat which was supposed to be done by the agriculture department. It is his further submission that allegations against present Applicants are that record is created in respect of the work but actual work is not done. It is his submission that having regard to the seriousness of crime, Applicants are not entitled for anticipatory bail.

5. *Prima facie* perusal of the record indicates that in Crime No. 32/2017 investigation was done and as it appears in the charge-sheet filed therein that the works conducted in Gut No. 174 at village Selmoha was verified and it was found that there were irregularities in the said work. The said work is done in the year 2016. It is now in the year 2023 claimed that no such work was at all done at said village. This Court *prima facie* find substance in the contention of the learned Counsels for Applicants that in view of the

charge-sheet filed in Crime No. 32/2017 it cannot be said that work was never done at all. The said charge-sheet also indicates that two other works in respect of said village were also considered. All documents are part of the record of the concerned departments. The custodial interrogation of the applicants would not be necessary.

6. Having regard to the aforestated facts, Applicants have made out a case for protecting their liberty. Hence, Hence, the order:

O R D E R

- (i) Applications are allowed.
- (ii) In the event of arrest of the Applicants in connection with Crime No. 47/2024 registered with Pimpaldari Police Station, Dist. Parbhani for the offences punishable under Sections 420, 409, 465, 467, 471 read with Section 34 o the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.
- (iii) They shall attend the concerned police station as and when required.
- (iv) They shall not contact the witnesses directly or indirectly.

- (v) They shall not interfere with the evidence in any manner whatsoever.
- (vi) They are further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)