



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2075 OF 2023

Sitaram Vilas Chatre

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Mr. N.S. Salunke, Advocate for applicant
Mr. S.V. Hange, APP for respondent
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 07th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 316 of 2022, registered with Tuljapur Police Station, Dist. Osmanabad, for offences punishable under sections 420, 406, 468, 465, 471 of the Indian Penal Code.

2. FIR is lodged by Shivrtna Atkare, Property Manager, Municipal Council, Tuljapur, stating that Municipal Council, Tuljapur auctioned the tender for parking lots at Tuljapur for period 01.02.2015 to 31.01.2018. The contract was given to Sitaram Chatre (applicant) and others for Rs. 2,40,00,000/- and accordingly contract of collection of parking fees was allotted. On complaint of one Rajabhau Mane to the Collector, an inquiry

Bhagyawant Punde

committee was constituted to inquire into the complaint. As per the report of said committee, contractor has breached terms and conditions of contract and misappropriated approximately an amount of Rs. 1 Crore and deceived the Municipal Council, Tuljapur.

3. Heard learned advocate for applicant and learned APP for respondent-State. Perused the investigation papers.

4. Applicant claims to be innocent and that he has scrupulously followed the conditions of contract. From time to time, inspection was conducted, in which receipt books etc. used by applicant were verified. It is contended that though inquiry was conducted by Sub Divisional Officer and Collector, he was not called upon to participate in the inquiry. There is no material to substantiate the allegations that he has misappropriated the amount of Rs. 1 Crore. He was granted interim protection and has co-operated in the investigation and therefore interim protection granted to applicant may be confirmed.

5. Learned APP strenuously opposed the application contending that at the time of entering into contract with Municipal Council, applicant has presented bogus partnership

deed. At the time of inquiry by Sub Divisional Officer and Collector, applicant was called upon, but he has failed to attend and participate. In the inquiry it is revealed that applicant has illegally collected entry fee from devotees entering in Tuljapur city and misappropriated amount of Rs. 1 Crore. Applicant has presented bogus receipts for collection of entry fee. He submits that applicant is therefore not entitled for protection.

6. Applicant's involvement in the present crime is revealed during the investigation. In the inquiry it is found that applicant has presented bogus partnership deed at the time of entering into contract with Municipal Council. The persons who are shown to be partners and signatories to partnership deed have denied their signatures and that they have entered into partnership with applicant.

7. It is transpired during investigation that though applicant was entitled to get parking fees from the vehicles parked at the parking lots, applicant has printed receipts mentioning 'city entrance fee' and issued those receipts and collected amounts from devotees entering in Tuljapur City. As per terms of contract, applicant was required to get receipt books verified from Municipal Council, which is not done by

applicant.

8. As per clause (3) of contract, applicant was required to deposit an amount of Rs. 50,40,000/- towards 10% increase with Municipal Council. Applicant has not deposited that amount and cheated the Municipal Council.

9. Custodial interrogation of applicant is therefore necessary to recover the bogus receipt books printed by applicant and to ascertain from where he has procured it and who has helped him in commission of crime.

10. Applicant was granted interim protection and he has attended the investigation, but since, recovery is to be effected from him, for effective investigation, his custodial interrogation is necessary. Considering the complicity of applicant and gravity of accusations, applicant is not entitled for discretionary relief of anticipatory bail. Application is therefore rejected.

[NITIN B. SURYAWANSHI, J.]