

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1085 OF 2024**

Ashish Vitthal Vasave ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Aniket U. Nikam h/f Mr. Amit Icham, for Applicant.
Ms. Mahalaxmi Ganapathy, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 19 JUNE 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.213 of 2023 registered with Shahapur Police Station for the offences punishable under Sections 409, 420, 464, 468 read with Section 34 of the Indian Penal Code, 1860.
3. The indictment against the applicant and the co-accused is that while the applicant was posted as a Sub-Regional Manager, Marketing Federation, Shahapur, in pursuance of a conspiracy, the applicant and co-accused prepared false and forged documents to show the purchase of 3304 quintal paddy at Khardi paddy procurement centre and thereby defrauded the Marketing Federation of the sum of Rs.56,86,192. The applicant and co-accused had allegedly shown that 1425.80 quintal paddy was processed to 955.25 quintal rice and thereby defrauded the Marketing Federation and the State Government to the tune of Rs.93,41,355/-. An enquiry committed was

constituted. The enquiry committee submitted a report on 15 June 2023. On the basis of the said report, FIR came to be lodged.

4. Learned Counsel for the Applicant submitted that the applicant was not directly involved in the procurement of paddy. Being the Sub-Regional Manager, the applicant had, in fact, called upon the co-accused Gokul Rathod to furnish the explanation in respect of the allegations of procurement of huge paddy on one day.

5. Learned APP resisted the prayer for pre-arrest bail. Learned APP invited attention of the Court to the order passed by the Court of Session wherein it is recorded that the applicant being the Sub-Regional Manager was responsible for the procurement of paddy and payment of the amount to the farmers. Therefore, the applicant may not be permitted to wriggle out of the situation by contending that he was not directly involved in the procurement.

6. The question as to whether the applicant was privy to the crime or it was a case of dereliction of duty and lack of supervision on the part of the applicant in the procurement of paddy at the procurement centre would warrant investigation. The Court is informed that initially the applicant was granted interim protection by the Court of Session. Pursuant to the enquiry, the applicant has been suspended from the service.

7. In these circumstances, till the application is heard by providing an opportunity of hearing to the prosecution, liberty of the applicant deserves to be

protected.

8. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Ashish Vitthal Vasave in connection with C.R.No.213 of 2023 registered with Shahapur Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Shahapur Police Station on 25th, 26th and 27th June 2024 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) Stand over to 18 July 2024 along with ABA 3142 of 2023.

(N.J.JAMADAR, J.)