

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1156 OF 2024

SANTOSH
SUBHASH
KULKARNI

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Date: 2024.05.03
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1. Sudarshan Nageshrao Bhojankar
2. Rajendra Pandurang Zunzarrao ...Applicants
Versus

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1157 OF 2024

1. Vijay Padmakar Shindgade
2. Vilas Pandurang Pawar
3. Ravindra Anadrao Patil
4. Sitaram Lakshaman Kavarkhe
5. Gulab Mumjaji Wakale ...Applicants
Versus

The State of Maharashtra ...Respondent

Mr. Shyam Kalyankar, for the Applicants in ABA/1156/2024.
Mr. Saurabh Butala, a/w Chetan Jadahv, for the Applicants
in ABA/1157/2024.
Mr. Ajay Patil, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 30th APRIL, 2024

ORDER:-

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. These applications are preferred for pre-arrest bail in connection with CR No.424 of 2023 registered with APMC Police Station, Vashi, for the offences punishable under Sections 406, 409, 420 read with Section 34 of the Indian

Penal Code, 1860 (“the Penal Code”) and Section 13(2) of the Prevention of Corruption Act, 1988.

3. At the outset, the learned Counsel for the applicants invited the attention of the Court to an order dated 30th November, 2023 in ABA/3328/20223, whereby interim protection has been granted to a co-accused by ascribing reasons. The learned Counsel for the applicants submits that the applicants were initially protected by the learned Additional Sessions Judge in the month of November, 2023 and the said protection continued to operate till the rejection of the application for pre-arrest bail by an order dated 22nd April, 2024.

4. The applicant No.1 Sudarshan Bhojankar and applicant No.2 Rajendra Zhunzharrao in ABA/1156/2023 were working as a Deputy Engineer and Junior Engineer, respectively, with APMC. Applicant Nos.3 to 5 in ABA/1157/2024 are the retired officers of APMC. Vijay Shingade, applicant No.1 in ABA/1157/2024, is working as a Deputy Secretary and applicant No.2 Vilas Pawar is working as an office superintendent in APMC.

5. The learned APP resisted the prayer for bail. It was submitted that the enquiry, pursuant to the directions of this

Court, has revealed the complicity of the applicants. There is material to indicate that Suresh Maru, the co-accused had given bribe to the applicants and the custodial interrogation of the applicants is warranted to unravel the money trail.

6. While granting interim protection to the co-accused by order dated 30th November, 2023 this Court has considered the circumstances in which the prosecution came to be lodged. In the instant case, the gravamen of indictment against the applicants appears to be performing their duties with a dishonest intention. The questions as to whether it was the duty of these applicants to recover the rent and take back possession of the PSC on account of default in the payment of rent, or whether the construction of PSC was sub-standard may arise for consideration. The larger question that may warrant investigation and consideration is, whether it was a case of dereliction of duty or there was an element of criminality in the acts and conduct of the applicants in their official capacity.

7. In the aforesaid view of the matter, I am inclined to grant interim protection to the applicants and hear these applications alongwith ABA/3328/2023.

8. Hence the following order:

: O R D E R :

- (i) In the event of arrest of Sudarshan Nageshrao Bhojankar and Rajendra Pandurang Zunzarrao, the applicants in ABA/1156/2024 and Vijay Padmakar Shindgade, Vilas Pandurang Pawar, Ravindra Anadrao Patil, Sitaram Lakshaman Kavarkhe and Gulab Mumjaji Wakale, the applicants in ABA/1157/2024, in CR No.424 of 2023 registered with APMC Police Station, Vashi, the applicants be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- each, with one or two sureties in the like amount.
- (ii) The applicants shall cooperate with the investigation and attend APMC Police Station, Vashi, on 6th, 7th and 8th May, 2024 between 10.00 a.m. to 1.00 p.m. and, thereafter, as and when directed.
- (iii) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.

Stand over to 20th June, 2024.

To be listed alongwith ABA/3328/2024.

[N. J. JAMADAR, J.]