

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2748 OF 2024

Murlidhar Hari Deore ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Vinod Sangvikar a/w. Mr. Shubham Sonawane for Applicant.
Mr. Sagar R. Agarkar, APP for Respondent-State.
Mr. Rajendra Sanap, PI, Anti-Corruption Cell, Nashik.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 11, 2024

P.C. :

. Heard Mr. Sangvikar, learned counsel for the applicant and Mr. Agarkar, learned APP for the respondent-State.

2. The applicant in the present case is apprehending arrest in connection with FIR No.0230 of 2024 dated 26.08.2024 registered at Malegaon Chhavani Police Station, District Nashik Rural, for offences under Sections 409, 420, 468 and 471 read with Section 34 of the Indian Penal Code, 1860 as also Section 13(1)(a) of the Prevention of Corruption Act, 1988.

2. At the outset, the learned counsel for the applicant submits that relief may be granted to the applicant on the principle of parity as two co-accused persons, similarly placed like the applicant herein, were granted anticipatory bail by this Court by order dated 01.10.2024 passed in Anticipatory Bail Application Nos.2659 of 2024 and 2634 of 2024.

3. This Court has perused the papers pertaining to the present application as also contents of the subject FIR. A perusal of the aforementioned order granting anticipatory bail to the co-accused

applicants therein shows that one of the applicants therein was the City Engineer of Malegaon Municipal Corporation and the other applicant was the Deputy Engineer of the said Corporation.

4. The applicant herein was a junior engineer with the said Corporation at the relevant time. The FIR shows that the offences have been registered against the applicant and co-accused persons on 26.08.2024 for actions attributed to the accused persons for period between 27.01.2012 and 20.06.2012.

5. While granting relief to the co-accused in the aforesaid order, this Court had recorded the following reasons:-

- “(a) Even according to the FIR, the relevant period was 27.01.2012 and 20.06.2012, while the FIR has been registered on 26.08.2024, thereby showing that *prima facie*, the FIR appears to be belated.
- (b) One more reason for reaching the *prima facie* conclusion that the FIR is belated is that admittedly, from 2017 onwards, an open enquiry was indeed conducted on the basis of certain complaints received in respect of drainage work of the municipal corporation. This enquiry continued for a long period of time. If, during the course of enquiry, material was available with the investigating authority to proceed to register the FIR, *prima facie*, there appears to be hardly any explanation as to why the FIR came to be registered after 7 years of initiation of such enquiry.
- (c) The allegations in the present case pertain to acts of omission and commission of the year 2012. The earlier enquiry was initiated in the year 2017 i.e. after about 5 years. During the course of enquiry, the material on record indicates that the applicants, as officers of the municipal corporation and also the other co-accused persons, appeared before the enquiring authority and submitted the documents in their possession. Therefore, *prima facie*, it cannot be said that the applicants have avoided the process of law. If at all any incriminating material was revealed during the course of enquiry, FIR could have been registered and appropriate steps could

have been taken in the matter. But, the FIR came to be registered 12 years after the alleged offences were committed, thereby indicating a *prima facie* case in favour of applicants.

- (d) The allegations pertaining to forgery and fabrication in terms of the statement leading to registration of FIR, *prima facie* appear to be raising no suspicion specifically against the applicants before this Court.
- (e) As regards pecuniary gain as also specific offence under Section 409 of the IPC, presently there does not appear to be enough material to raise a strong *prima facie* case against the applicants. So long as the applicants are ready to co-operate with the investigation, appropriate relief can be granted.
- (f) The applicants are ready to co-operate with the investigation and to appear before the investigating officer, indicating that the present applications can be allowed.”

6. It cannot be disputed that the applicant is similarly placed like the aforesaid co-accused applicants and therefore, he also deserves relief on the ground of parity.

7. In view of the above, the application is allowed in the following terms:-

- (i) In the event the applicant is arrested in connection with FIR No.0230 of 2024 dated 26.08.2024, registered at Malegaon Chhavni Police Station, District Nashik Rural, he shall be released on bail on furnishing P.R. Bond of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall remain present before the Investigating Officer on 14.10.2024 and 15.10.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer.
- (iii) The applicant shall not tamper with the evidence of the

prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

- (iv) The applicant shall co-operate with the investigation, including producing documents in his possession, as may be demanded by the investigating officer. He shall also co-operate in the proceedings before the trial court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(MANISH PITALE, J.)

Minal Parab