



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 168 OF 2024

Raju s/o Ramchandra Rathod V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Firdos Mirza, counsel for the applicant.

Mr. A.G. Mate, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/06/2024.

1. By this application, the applicant is seeking anticipatory bail, in connection with Crime No. 14/2024 registered with Police Station Lohara, District Yavatmal for the offence punishable under Sections 409, 420, 465, 467, 468, 471, 472, 474 and 477-A of the Indian Penal Code, 1860.

2. Learned counsel Mr. Firdos Mirza, for the applicant submitted that the accusation against the present applicant is on the basis of report lodged by one Sachin Bhagwatrao Aajankar, alleging that the present applicant who was serving as Gruha Pramukh, Tribal Boys Hostel No.3 and was under obligation to prepare the bill, he has prepared the bills without considering the new period of the employees, and excess amount was paid to the employees and caused loss to the Government. He submitted that as far as the present applicant is concerned, who is the authority to prepare the bills therefore, the allegation regarding the

applicant has prepared the forged seal and signature is not sustainable. He further submitted that regarding the said incident, already department inquiry is conducted, and the applicant has faced the charges regarding the negligence. As far as the excess amount was paid, a different procedure is laid down, and therefore, custodial interrogation of the present applicant is not required.

3. Learned APP strongly opposed the said application and submitted that considering the allegation, the custodial interrogation is required as the amount is to be recovered from the present present applicant, and therefore, the application deserves to be rejected.

4. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. From which also, it reveals that the applicant was assigned with the duty of preparing the bills. Regarding the said allegations, a departmental inquiry was held against the present applicant, and the charge was regarding his negligence while performing his duty. As far as the custodial interrogation according to the prosecution is concerned, for recovery of amount which is not required, as a different procedure is prescribed for recovery of the amount from the present applicant, and therefore, the custodial interrogation is not required. The investigation papers show that the material investigation has already been carried out, though the charge-sheet is not filed. Considering that, the custodial interrogation is not required, the interim protection granted

to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is allowed.
- b] The interim protection granted to the present applicant by order dated 06/03/2024 is hereby confirmed on the similar terms and conditions with modification that the applicant shall attend the concerned police station till filing the charge-sheet.
- c] The criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]