



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

Criminal Application (ABA) No. 370 of 2024

Vijay Balkrishna Zatale

Versus

The State of Maharashtra through Police Station Officer, Shirazgaon
Police Station, District Amravati Rural

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

Court's or Judge's Order

Shri S.V.Sirpurkar, Advocate for the applicant.

Mrs. Harshada Prabhu, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 6th AUGUST, 2024.

Apprehending arrest at the hands of police in connection with Crime No.142 of 2024 registered with Police Station Shirazgaon, District Amravati for the offence punishable under Sections 420 and 409 of the Indian Penal Code, the applicant approached to this Court for grant of pre-arrest bail.

2. As per the allegations against the present applicant and other co-accused that the present applicant was serving as a Divisional Engineer and without obtaining the sanction he completed the

additional work and misappropriated the amount of Rs.3,37,500/-. On the basis of the said report, the police have registered the crime.

3. Shri Sirpurkar, learned counsel for the applicant submitted that as far as the allegation is concerned, at the most it can be irregularity and not illegality. Now the applicant is already retired. He is cooperating with the investigating agency. Entire issues revolves around documentary evidence which are already in possession of the investigating agency and therefore the custodial interrogation of the present applicant is not required. In view of that the application deserves to be allowed.

4. On the other hand, learned Additional Public Prosecutor strongly opposed the said application on the ground that involvement of the present applicant and other co-accused was found in the misappropriation of the amount while carrying out the work, they have committed various illegalities regarding the same and the departmental inquiry was also conducted. She submitted that though the applicant was exonerated on technical reasons, the second inquiry was initiated. The First Information Report is lodged on the basis of the order passed by this Court. In view of that the application deserves to be rejected.

5. After hearing the learned counsel for the applicant and learned Additional Public Prosecutor for the non-applicant/State, perused the investigation papers from which it reveals the allegations against the present applicant is that without obtaining the sanction he has completed the work which was not sanctioned and the additional work was also completed and the bills has been made without any measurement and thus he has committed the misappropriation of Rs.3,37,500/-. Considering the entire issue revolves around the documentary evidence which is in possession of the investigating agency. Custodial interrogation of the present applicant is not required. In view of that the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order.

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant – Vijay Balkrishna Zatale in connection with Crime No.142 of 2024 registered with Police Station Shirazgaon, District Amravati for the offences punishable under Sections 420 and 409 of the Indian Penal Code, he shall be released on on executing a P.R. Bond in the sum of Rs.50,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station as and when required for investigation purpose and shall cooperate with the investigating agency.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The applicant shall not leave India without prior permission of the Court.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]