



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

CRIMINAL APPLICATION (ABA) NO.499 OF 2024

Sudhakar s/o Suku Pungati and others

Vs.

State of Maharashtra, Through Police Station Officer, Aaladandi Police
Station, District Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. R. Fule, Counsel for the applicants.
Ms. Sneha Dhote, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/10/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.4/2024 registered with Police Station, Aaladandi, District Gadchiroli for the offences punishable under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code, the applicants have approached to this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by one Balaprasad Sanjay Barkamkar alleging that during the agricultural season of 2022 Adivasi Vikas Karyakari Sanstha, Hedri and purchased paddy for processing and billing and accordingly demand orders were issued. It revealed that the Adivasi Vikas Sanstha of whom the applicant No.1 is the President and applicant No.2 is the Center In-charge and applicant No.3 is the Helper and

applicant No.4 is the Secretary. During the investigation, it revealed that as per the agreement between the Maharashtra State Cooperative Vikas Mahamandal, Sub-Regional Office and Adivasi Vikas Karyakari Sanstha, Hedri, the society has to be registered itself and purchase the paddy on neml portal along with the other transactions between the Society and the millers, but the present applicants have not registered the same and purchased the paddy. During the inspection it revealed that 12998 bags of the rice were not found in the Godown situated at Mouza Hedri. It further revealed that the applicant Nos.1 and 2 were involved in this crime in relation to Adivasi Vikas Karyakari Sanstha and on the basis of the said report, the crime is registered against the present applicants.

3. Heard learned Counsel for the applicants who submitted that in fact, no paddy was misappropriated by the present applicants, it was kept in another Godown and it was shown by the applicant No.1 during the investigation. It is further submitted by him that the Society about the nontransportation of the paddy to the millers and the satisfactory answers were given. Thus, no offence is made out either under Sections 409 or 406 of the Indian Penal Code but Investigation Officer has not taken into consideration the fact that the paddy was kept in another Godown and carried out the investigation in a wrong manner. As far as the

custodial interrogation is concerned, which is not required. In view of that, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and invited my attention towards the inquiry report which was carried out during the investigation. The inquiry report shows the involvement of the present applicants in the alleged offence and she submitted that the custodial interrogation of the present applicants is required as the misappropriation of the paddy which was received by the Society reveals. It further reveals that the custodial interrogation of the present applicants is required who are President, Secretary and Center In-charge and who have responsibility to hand over it to the dealers, but during the inspection it revealed that there was a misappropriation of in all 12998 gunny bags weighing 6715.33 quintals and therefore, custodial interrogation is required. In view of that, the application deserves to be rejected.

5. After hearing the both sides and on perusal of the investigation papers and especially inquiry report from which it reveals that the applicant No.1 is the President, applicant No.2 is the Center In-charge and applicant No.4 is the Secretary. The inquiry report further reveals that it is the responsibility of the Society to purchase the paddy as per the agreement and they have to protect the said food

grains as per the norms and handed over to the millers. But during inquiry, it revealed to them that 12998 gunny bags were received and the weight of the same was 6715.33 quintals paddy. Thus, the involvement of the applicant Nos.1, 2 and 4 certainly reveals from the inquiry report. As far as the applicant No.3 is concerned, no specific role is attributed to him. In view of that, the anticipatory bail application of applicant No.3 deserves to be allowed. As far as the applicant Nos.1, 2, and 4 are concerned, the inquiry report sufficiently shows their involvement in the alleged offence. In view of that, the application deserves to be rejected as far as applicant Nos.1, 2 and 4 are concerned. In view of that I proceed to pass following order:

ORDER

- (i) The application is partly allowed.
- (ii) The applicant No.3 **Pradip s/o Laxman Durge** shall be released on anticipatory bail in the event of his arrest, in connection with Crime No.4/2024 registered with Police Station, Aaladandi, District Gadchiroli for the offences punishable under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant No.3 shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicant No.3 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The application of applicant Nos.1, 2 and 4 is hereby rejected.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)