



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

CRIMINAL APPLICATION (ABA) NO. 158 OF 2024

Sonali Vyenka Pendam 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. Chandekar, counsel for the applicant.

Mr. V.A.Thakre, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/03/2024.

1. Apprehending the arrest at the hands of Police, in connection with Crime No. 4/2024 registered with Police Station Aaldandhi, Tah. Etapalli, District Gadchiroli for the offence punishable under Section 406, 409, 420 read with Section 34 of the Indian Penal Code, 1860. The applicant is seeking pre-arrest bail.

2. The crime is registered on the basis of report lodged by Balaprasad Sanjay Barkamkar alleging that during the agricultural season 2022-2023 *Adivasi Vikas Karyakari Sahakari Sanstha, Hedri* had purchased the paddy for processing and dealing, and accordingly demand orders were issued. It was revealed that *Adivasi Vikas Karyakari Sahakari Sanstha, Hedri* had issued demand order for 2800 Quintal to Maruti Food Industries Wadsa. The Secretary of *Adivasi Vikas Karyakari Sahakari Sanstha, Hedri Shri Kishor Padha* had provided 304.00 Quintal paddy to the Millers. It is alleged that the present applicant is the employee of the Maharashtra State

Tribal Cooperation Department and duty assigned to her to supervise the work regarding transportation of the paddy to the Millers.

3. The learned counsel for the applicant submitted that as far as the recitals of the FIR are concerned, only it is alleged that she enquired with the Millers and the Society about the non-transportation of the paddy to the Millers, the satisfactory answer was not given. Thus, considering no specific allegation is against her, her custodial interrogation is not required. At the most, it can be dereliction in the duty. In view of that she be protected by granting pre-arrest bail.

4. The learned APP strongly opposed the application by submitting that the applicant has not performed her duty and there is negligence on her part. Due to which, the farmers suffered a loss. In view of that the prayer for ad-interim protection deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR and the impugned order passed by the Sessions Judge. Considering the recitals of the FIR, the only allegation against the present applicant is that she has not performed her duty, then at the most, it can be said that it is negligence on her part, immediate custodial interrogation is not required. In view of that, she can be protected by granting interim pre-arrest bail by imposing certain conditions. Accordingly, I proceed to pass the following order:

- a) Issue notice to the non-applicant.
- b) Mr. V.A.Thakre, learned APP waives service of notice on behalf of non-applicant/State.
- c) In the event of his arrest, in connection with Crime No. 4/2024 registered with Police Station Aaldandhi, Tah. Etapalli, District Gadchiroli for the offence punishable under Section 406, 409, 420 read with Section 34 of the Indian Penal Code, 1860, the applicant – **Sonali Vyenka Pendam**, is released on ad-interim anticipatory bail on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- d) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- e) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

Stand over after **two weeks**.

[URMILA JOSHI-PHALKE, J.]