



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) No.158 OF 2024

(Sonali Vyanka Pendam Vs. State of Maharashtra, through PSO, PS Aaldandi, Tq.
Etapalli, Distt. 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.M. Chandekar, Advocate for applicant.
Ms. H.N. Prabhu, APP for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 22nd MARCH, 2024.

1. Apprehending arrest at the hands of Police in connection with Crime No.4/2024, registered with Police Station Aaldandi, Taluka Etapalli, District Gadchiroli for the offence punishable under Sections 406, 409, 420 read with Section 34 of the Indian Penal Code, 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 2022-23 Adivasi Vikas Karyakari Sahakari Sanstha, Hedri had purchased paddy for processing and dealing and accordingly demand orders were issued. It was revealed that Adivasi Vikas Karyakari Sahakari Sanstha, Hedri had issued the demand order for 2800 quintals to Maruti Food Industries, Wadsa. The Secretary of the Adivasi Vikas Karyakari Sahakari Sanstha, Hedri, Shri Kishor Padha had provided 204.00 quintals paddy to the millers. It is alleged that the present applicant, who is the employee of the Maharashtra State

Tribal Corporation Department and duty assigned to her to supervise the work regarding transportation of the paddy to the millers. She has committed the negligence and due to which there was a misappropriation of the said paddy.

3. Learned counsel for the applicant submitted that as far as the recitals of the F.I.R. are concerned only it is alleged that she inquired with the millers and the society about the non-transportation of the paddy to the millers and the satisfactory answer was not given. Thus, no specific allegations are made against her. He further invited my attention to one letter issued by the Divisional Manager, Aheri of Maharashtra Rajya Sahakari Adiwadi Vikas Mahamandal shows that it is the present applicant on whose application the inquiry was conducted. The inquiry report is collected by the Investigating Officer. He submitted that at the most it can be dereliction in the duty which can be attributed to her. In view of that, she be protected by granting anticipatory bail.

4. Learned Additional Public Prosecutor for the non-applicant strongly opposed the said application by submitting that the applicant has not performed her duty and in connivance with the other co-accused misappropriated the paddy and loss is caused to the farmers. Her custodial interrogation is required and prayed for rejection of the application.

5. On perusal of the recitals of the F.I.R. and the investigation papers as well as the inquiry report it reveals that no material is collected by the Inquiry Officer also to show the exact role played by the present applicant. Only general allegation is made against her that in connivance

with the other co-accused she has committed the offence of misappropriation. The inquiry report nowhere shows what role she has played in the above transaction. After releasing her on ad-interim anticipatory bail she has cooperated with the Investigating Agency. In view of that, the anticipatory bail granted to her deserves to be confirmed. Accordingly, I proceed to pass following order :

ORDER

- (i) The application is allowed.
 - (ii) In the event of the arrest in connection with Crime No.4/2024, registered with Police Station Aaldandi, Taluka Etapalli, District Gadchiroli for the offence punishable under Sections 406, 409, 420 read with Section 34 of the Indian Penal Code, the applicant – Sonali Vyenka Pendam shall be released on anticipatory bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
 - (iii) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall co-operate with the Investigating Agency.
 - (iv) The applicant shall not directly or indirectly induce, threat or promise any witnesses, who are acquainted with the facts of this case.
6. The Application is disposed of.

(Urmila Joshi-Phalke, J.)