



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 ANTICIPATORY BAIL APPLICATION NO. 1767 OF 2024 WITH
CRIMINAL APPLICATION NO. 288 OF 2025
IN ABA/1767/2024

Sachin Ramesh @ Raman ShindeApplicant

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. D. S. Bagul, Advocate for Applicant.

Mrs. M. N. Ghanekar, APP for the State.

Mr. S. N. Suryawanshi, Advocate for the Informant.

CORAM : R. M. JOSHI, J.

DATE : 24th JANUARY, 2025.

PER COURT :

1. At the outset, learned counsel Mr. Suryawanshi seeks leave to assist learned APP.

2. Having regard to the nature of offence, he is permitted to assist learned APP. Criminal Application No. 288/2025 is accordingly allowed.

3. Applicant apprehends arrest in connection with Crime No. 605/2024 registered with Dhule Taluka Police Station, Dist.

Dhule, for the offences punishable under Sections 419, 406, 420, 467, 471, 120-B read with Section 34 of Indian Penal Code.

4. Gist of the First Information Report shows that on the basis of audit report conducted for the year 2016-2017, some irregularities were found. Hence, allegations are made against the present applicant who is Gram Sewak and co-accused that the processes done were not in compliance of rules i.e. without tenders being issued. There is also allegation that the amounts were paid in cash and the articles were purchased from one person instead of issuing e-tender.

5. Learned counsel for applicant has drawn attention of the Court to the documents on record which indicate that the work of drainage as shown in the audit report was performed on the basis of completion of all formalities. According to him, the work order issued by Zilla Parishad as well as completion certificate issued by SDO indicates that there is no irregularity in the said work. Insofar as other allegations are concerned, it is claimed that only if there is purchase of any material which costs Rs. 1,00,000/- or more, e-tender is required and not otherwise.

6. Learned APP and learned counsel for informant opposed the application.

7. Allegations are in respect of work performed in the year 2016-2017. Prima facie, documents placed on record indicates that due process was followed while performing the said work more particularly work of construction of drainage. Completion certificate also indicates that there was no material variation from sanction plan and specification. Thus, prima facie this Court finds no substance in the allegation. Insofar as other allegation about purchase of articles without e-tendering is concerned, in case of articles costing Rs.1,00,000/- or more, no question of e-tender arises. Having regard to these facts, there is no impediment in allowing the application in terms of interim relief. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dwb