

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1270 OF 2025

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Yogesh Shaligram Rahangale ... Applicant
V/s.
 The State of Maharashtra & Anr. ... Respondents

Mr. Kuldeep s. Patil a/w Ms. Saili Dhuru, for the Applicant.

Ms. Shilpa Gajare, APP for the State – respondent.

Mr. Mangesh Bachkar, PSI, Rasayani Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 6, 2025

P.C.:

1. This application is filed under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.), seeking pre-arrest bail. The applicant apprehends arrest in connection with Crime Register No.66 of 2025 registered with Rasayani Police Station for offences punishable under Sections 420, 409, 464, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860 (IPC).

2. The prosecution case is that the complainant is serving as Additional Executive Engineer with Maharashtra State Electricity Transmission Company Limited (MSETCL). The applicant is working as Deputy Executive Engineer in the same establishment. On 5 December 2023, the complainant was assigned the task of inspecting scrap material lying in the company premises, said to

weigh about 230 metric tons. It is alleged that on 18 January 2024, the complainant received a written complaint from one Vishal A. Harsh, Deputy Executive Engineer in the same company.

3. The said complaint alleged that the applicant had disposed of scrap material without preparing or issuing any gate passes. On receipt of the complaint, the complainant forwarded it to his superior at Panvel for verification. Pursuant to directions from the superior authority, a five-member team was constituted to measure the scrap material in the company premises between 8 March 2024 and 14 March 2024. On measurement, the team found only 117.75 metric tons of scrap as against the recorded 230 metric tons. Thus, scrap weighing about 112.25 metric tons was found missing. The complainant reported this shortage to the Superior Executive Officer at Panvel, who in turn instructed the Vigilance Department, Vashi, to conduct an inquiry. The vigilance team, after inquiry, found that scrap material worth Rs.1,57,15,000/- was missing. Based on these findings, the FIR came to be registered against the applicant and other co-accused.

4. The learned Advocate for the applicant submitted that the applicant has been falsely implicated due to professional rivalry within the department. He relied on the communication dated 28 March 2025 issued by the Chief Engineer to the Superintendent of Police, wherein it was stated that the applicant's name appeared in the FIR by oversight, and that the FIR ought to have been lodged against unknown persons. It was further stated that a departmental inquiry regarding the incident is already in progress. A copy of this communication was also forwarded to the

informant. Subsequently, on 28 April 2025, the informant addressed a letter to the Senior Inspector of Police of the concerned police station stating that there was no material indicating involvement of the applicant in the alleged offence.

5. The learned Advocate further submitted that the allegations pertain to alleged misappropriation of scrap accumulated between 2015 and 2023. Till the vigilance report was prepared, no audit of scrap stock had been carried out. He pointed out that the two vehicles referred to in clauses (10) and (14) of the vigilance report were found empty, and there was no entry in the inward or outward register showing that they had carried any scrap material. He submitted that since the departmental inquiry is pending, the applicant's involvement, if any, will be ascertained in that inquiry, and custodial interrogation is therefore unwarranted.

6. In reply, the learned Additional Public Prosecutor (APP) submitted that the informant's communication exonerating the applicant was written under pressure from the Chief Engineer, who had issued the letter dated 28 March 2025. It was pointed out that during proceedings before the Sessions Court, the informant was personally present and clarified that his letter to the police station was written under influence. The learned APP also referred to the statement of the Gatekeeper, recorded with respect to the incident dated 29 December 2021, wherein he stated that the applicant had instructed him to allow the scrap material to be taken out without a gate pass, assuring that the same would be provided the next day.

7. The vigilance report reveals that the entries in the inward and outward register for scrap dispatch on 29 December 2021 were made without any accompanying challan, during the period when the applicant was in charge. The report also indicates that the total loss to MSETCL is estimated at Rs.1,11,27,480/-. It was further submitted that the original Gate Pass No.18 is missing, though its duplicate and triplicate copies exist in the register. This indicates that the said gate pass was misused to remove scrap material without proper authorization, and no corresponding entry exists in the register. The learned APP therefore prayed for rejection of the application for anticipatory bail.

8. Having considered the rival submissions and perused the material on record, it appears that the allegations made against the applicant are serious in nature. The offence pertains to large-scale misappropriation of scrap material belonging to a public utility undertaking. The vigilance report, which forms the basis of the prosecution case, specifically notes that the shortage of scrap to the extent of 112.25 metric tons occurred during the period when the applicant was in charge of the concerned division.

9. The statement of the Gatekeeper recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assumes great significance. He has clearly stated that on 29 December 2021, it was the applicant who personally directed him to permit the removal of scrap material from the company premises without a gate pass. The Gatekeeper further stated that the applicant had assured him that the gate pass would be given on the next day. This statement, coming from an employee performing his regular

duty at the gate, carries weight because he is the person who maintains the entry and exit of material. His statement appears natural and consistent with the record of events.

10. The absence of any entry in the inward or outward register, or in the challan book, for the said movement of scrap, supports the Gatekeeper's version. It shows that the removal of the material was done in violation of established procedure. When material is moved officially, proper gate passes and entries in the registers are always made. The fact that no such entries exist creates a strong presumption that the material was taken out in an unauthorized manner.

11. Further, the record shows that the original gate pass bearing No.18 is missing, while its duplicate and triplicate copies are still present in the register. This raises a serious doubt about the genuineness of the transaction. Normally, the original copy is handed over to the person transporting the material and must remain in the company's records after completion of the transaction. The missing of only the original copy and the presence of other copies suggest that the said gate pass may have been misused to facilitate removal of scrap material without proper authority.

12. The contention of the applicant that he has been falsely implicated due to professional rivalry cannot be accepted at this stage. Such a plea can be tested only during trial after full appreciation of evidence. The departmental inquiry, though pending, cannot substitute the criminal investigation. The scope

and object of both proceedings are distinct. The existence of a departmental inquiry does not create a legal bar against criminal investigation, nor can it justify grant of anticipatory bail where serious financial irregularities are alleged in a public undertaking.

13. The communication dated 28 March 2025 by the Chief Engineer and the subsequent letter dated 28 April 2025 by the informant do not exonerate the applicant. The informant himself has clarified that his communication was made under pressure of superior officers. Such circumstances cannot be lightly ignored at this stage, particularly when public funds are involved and a vigilance inquiry has already found substantial loss to the public exchequer.

14. The nature of the offence, the role attributed to the applicant, the amount involved, and the documentary irregularities disclosed in the vigilance report, all indicate that custodial interrogation may be necessary for effective investigation. The possibility of the applicant influencing witnesses or tampering with official records cannot be ruled out.

15. All these circumstances, when taken together, create a prima facie case indicating the applicant's involvement in the alleged offence. The consistent chain of events , the instruction given by the applicant, the absence of register entries, and the missing original gate pass , collectively point towards an act done deliberately, and not due to any mere procedural lapse. These facts, therefore, justify further investigation with the applicant's custodial participation to ascertain the full extent of the offence.

16. In view of the above facts and circumstances, I am not inclined to exercise discretion under Section 438 of the Code of Criminal Procedure. The application for anticipatory bail stands rejected.

17. Observations made herein are confined to the consideration of this bail application and shall not influence the trial or the departmental proceedings.

(AMIT BORKAR, J.)