



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

CRIMINAL APPLICATION(BA) NO. 1038 OF 2025

Arun Tukaram Sonawane Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.A.A.Naik, Senior Advocate a/b Mr.Tejas Patil, counsel for the
applicant.
Mr. U.R.Phasate, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 26/09/2025

1) The applicant is arrested in Crime No. 255 of 2025 registered with Police Station Nagbhid, District Chandrapur, for the offences punishable under Sections 471,468 and 420 of the Indian Penal Code,1860.

2) It is the case of the prosecution that the complaint was lodged by one Bharti Gurnule, who was acting as a Deputy Superintendent of Anti Corruption Bureau, Nagpur. On receiving the letter from the Director General of Anti-corruption Bureau, Mumbai on 11.07.2025, she has lodged the complaint. It was outcome of the enquiry report initiated after the directions in PIL No.83 of 2012. the applicant who has applied for tender of Gosikhurd Project in

the year 2009, the work was completed in the year 2015 and the allegations are made that on the basis of the forged experience certificate, the accused has received said contract and therefore, the crime came to be registered.

3) This applicant is a person who has applied for the tender and has received the contract. He has completed the work. During the custody all the documents were collected. Further custodial interrogation of this applicant is not required. The learned Senior Advocate has stated that the offences, which are registered against this applicant are having punishment, less than seven years. Mandatory notice under Section 41-A of the Criminal Procedure Code is not issued, which is mandatory as per the judgment in the case of *Satender Kumar Antil. Vs. Central Bureau of Investigation* reported in *(2022) 10 SCC 51*. The custody of the said applicant for further investigation is not required. Hence prayed to release the applicant on bail.

4) The learned APP has opposed the application stating that during the enquiry, the involvement of this applicant is found. The applicant is the main accused and allegations of forgery are made against him. Hence, prayed to reject the application.

5) Heard the learned Senior Advocate appearing for the applicant and the learned APP.

6) It appears from the record that the offences which are registered against this applicant are punishable less than 7 years. The mandatory provision of Section 41-A of the Code of Criminal Procedure is not complied with. The Hon'ble Apex Court in the judgment of ***Satender Kumar Antil. Vs. Central Bureau of Investigation*** (supra) has observed about the mandatory provision of Section 41-A of the Code of Criminal Procedure.

7) Considering the documents filed in the year 2009 and as the work is already completed, the further custody of the said applicant during the trial is not required. Hence, the case is made out to release the applicant on bail.

8) Accordingly, I pass the following order:

i) Criminal application is allowed.

ii) Applicant- Arun Tukaram Sonawane, be released on bail in connection with Crime 255 of 2025 registered with Police Station Nagbhid, District Chandrapur, for the offence punishable under Sections 471, 468 and 420 of the Indian Penal Code. on his furnishing P.R. Bond in the

sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the investigation officer.

9) The Criminal Application stands **disposed of** accordingly.

JUDGE