

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 277 OF 2025

Dattaram Sudhakar Parkar & Anr.

..... Applicants

VERSUS

State of Maharashtra

..... Respondent

Mr. Sumedh Modak a/w. Mr. Vivek Rane i/b. Mr. Kuldeep Jain for
the Applicants.

Ms.Rutuja A. Ambekar, A.P.P for the State.

CORAM : RAJESH S. PATIL, J.

DATE : 31st JANUARY, 2025

P.C. :-

1. Mr.Modak, learned counsel appearing for the applicants submits that the applicants are contractors working with the Mira-Bhayandar Municipal Corporation engaged for the cleaning and maintenance of public toilets. He submits that the applicants were successful bidders for a contract during the pandemic period, which was to last for three years. He submits that the bank guarantee of Rs.54,00,000/- has already been provided to the Corporation which is in force. He submits that the FIR has been filed, in which the applicants have been named as

accused by certain employees on the grounds that they have not received their salary or have only received a part of their salary which they are liable for.

2. Learned A.P.P. submits that, from the statements recorded by the police, it can be construed that, during the pandemic period when the employees were entitled for salary for Rs.18,000/-, only salary of Rs.3,500/- was paid to the certain employees. Some employees were not paid any salary at all. Hence, she submits that no remorse be shown to such applicants, and the present anticipatory bail application should be rejected.

3. Mr. Modak fairly submits that, in fact if the claim of the employees in total is around Rs.46,00,000/- without admitting this amount, the applicants in order to show their bonafides, will deposit a sum of Rs.50,00,000/- with the Corporation. He further submits that, in fact 1.5% was to be paid by the Corporation to the applicants, however, the Corporation has not yet paid the said amount to the applicants.

4. The applicants are directed to deposit a sum of Rs.50,00,000/- with the Corporation, within a period of 10 days from today. After the said amount is deposited with the Corporation, further directions would be given to the Corporation after enquiry to make payments to such employees whose payments are yet to be made.

5. The applicants are permitted to add Mr. Yogesh Gunijan, Assistant Municipal Commissioner, Municipal Solid Waste Department, Mira-Bhayandar Municipal Corporation ,as an Officer of the Corporation in the present proceedings, in order to facilitate the distribution of the money as pending salaries of the employees. Amendment to be carried out forthwith.

6. Matter to come up on board on 11th **February, 2025** under the caption '**Urgent Circulation**', to be treated as '**Part Heard**'.

7. Till the next date of the hearing, no coercive steps be taken against the applicants.

[RAJESH S. PATIL, J.]