

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3142 OF 2023

Avinash Devichand Rathod ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Karan Mehta a/w. Mr. Ashwin Pande i/b. Karan Mehta &
Associates, for the Applicant.
Smt. Ashwini Takalkar, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : NOVEMBER 6, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R. No. 238 of 2023 registered with Shahapur police station for the offences punishable under sections 409, 420, 464, 468 read with 34 of the Indian Penal Code, 1860.
3. The gravamen of indictment against the applicant is that there was a fraud in procurement of paddy from the farmers at the procurement center where the applicant was posted as Sub Regional Manager.
4. The learned counsel for the applicant submitted that the responsibility of the applicant as Sub Regional Manager was limited to examining the hundi and submitting those hundis to regional office. The applicant was not involved in the day to day Paddy

procurement at the center. The learned counsel for the applicant invited attention of the Court to an order passed on 1st November, 2023 whereby the interim protection has been granted to the co-accused.

5. The learned APP on the other hand, invited attention of the Court to a circular dated 25th October, 2022 wherein it is inter alia provided that in case the procurement of paddy is not properly done or there is a deficiency or loss to the Government in the procurement of paddy, Sub Regional Manager would also be responsible.

6. The question that merits consideration is whether there is an element of criminality or there was dereliction of duty on the part of the applicant. It would, therefore, be expedient to grant interim protection while directing the applicant to join in the investigation. If the investigation reveals the complicity of the applicant, the same can be considered at the stage of final adjudication of the application for pre-arrest bail.

7. In the event of arrest in C.R. No. 238 of 2023 registered with Shahapur police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

8. The applicant shall cooperate with the investigation and

attend Shahapur police station, on 9th, 10th, 20th and 21st November, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

9. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

Stand over to 13th December, 2023.

(N. J. JAMADAR, J.)