

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (ABA) No. 253 of 2021

(Pralhad s/o Pandurang Khandagale ..vs.. The State of Maharashtra through PSO, Pulgaon, Tah.
Deoli, Dist. Wardha)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. W. Sambre, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 30-04-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. This Court protected the applicant, who is apprehending arrest in Crime 0123/2021 registered with Police Station, Pulgaon, Tah. Deoli, District Wardha for the offences punishable under Section 409 read with Section 34 of the Indian Penal Code, vide order dated 16-4-2021. This Court noted thus :

“5. The submission is that it is the co-accused who is responsible for the alleged financial irregularities and such is also the finding recorded in the Departmental Enquiry. The contention appears to be that the only

incriminating material, if at all, is the alleged version of the co-accused.”

3. I have perused the case diary. While the applicant may, or may not be, administratively responsible for the amount collected by the co-accused and not deposited in the account of Gram Panchayat, at least at this stage, there is no incriminating material to assume that the applicant is guilty of misappropriation or conversion. Even in the Departmental Enquiry, it is found that it is co-accused Bansod who collected the amount and failed to deposit the same.

4. It is not even the case of the prosecution that the applicant has not attended the police station as was the condition of grant of interim pre-arrest protection.

5. The interim pre-arrest protection granted vide order dated 16-4-2021 is made absolute with the only modification that till the filing of the charge-sheet, the applicant shall attend the concerned police station as and when required by the Investigating Officer.

6. The application is disposed of.

JUDGE

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