

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.421 OF 2015

1] Abdul Hakim s/o. Abdul Hail,
2] Jagdish s/o. Karbhari Raut ..Applicants

Versus

The State of Maharashtra ..Respondent

--

Mr.S.S.Thombre, advocate for applicants

Mr.S.P.Dound, APP for respondent

Mr.R.B.Singare, advocate assisting learned A.P.P.

--

CORAM : M.T. JOSHI, J.

DATE : FEBRUARY 03, 2015

PER COURT :

Heard both sides.

2] Present applicants who are arrested in Crime No.I-79 of 2014 registered with Shivur Police Station, Tq. Vaijapur, Dist. Aurangabad for the offences punishable under Section 420, 405, 408, 409, 464, 466, 468, 470, 471 read with 34 of Indian Penal Code, are praying for their release

on bail. The applicants were arrested on 29th December, 2014.

3] The arguments from both sides would show that in view of the Public Interest Litigation filed in this Court, the action for filing of an application under Section 156(3) of the Code of Criminal Procedure for investigation in the matter was taken.

4] The allegations are that the present applicants being President and Secretary, respectively, of the Water and Sanitation Committee of the village, have misappropriated the Government funds while implementing the scheme and thus, misappropriated amount of Rs.Five Lakhs and odd. The earlier application filed by the present applicants for grant of anticipatory bail bearing Criminal Application no. 5930 of 2014 was allowed to be withdrawn by this Court vide order dated 18th

November, 2014.

5] Learned counsel for the applicants submits that the investigation is complete. In fact, the papers placed before the Executive Engineer and even the joint measurement carried by the Public Works Department would show that the work is in-fact carried. He, therefore, submits that the applicants may be released on bail.

6] Learned APP and learned counsel assisting the learned APP oppose the application. They submit that in the inquiry before the Collector, the applicants have admitted that the work was not completed.

7] Considering the fact that the present applicants are behind the bars since long and the investigation is complete, in my view, the applicants can be released on bail.

8] Hence, the following order :-

a] Criminal Application is allowed;

b] The applicants be released on bail in Crime No.I-79 of 2014 registered with Shivur Police Station, Tq. Vaijapur, Dist. Aurangabad for the offences punishable under Section 420, 405, 408, 409, 464, 466, 468, 470, 471 read with 34 of Indian Penal Code, upon their executing P.R. Bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) each and also upon furnishing surety each in the like amount.

[M.T. JOSHI, J.]

kbp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.493 OF 2015
IN
CRIMINAL APPLICATION NO.421 OF 2015

.....

Mr.R.B.Singare, advocate for applicants

Mr.S.P.Dound, APP for respondent no.1

Mr.S.S.Thombre, advocate for respondent no.2

.....

CORAM : M.T. JOSHI, J.

DATE : FEBRUARY 03, 2015

PER COURT :

Heard both sides.

2] For the reasons stated in the application, the application is allowed. The applicant is permitted to assist the learned A.P.P.

[M.T. JOSHI, J.]

kbp