

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 549 OF 2015.

DR. MEHER DATTA PATHRIKAR.

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS.

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Appearance =>

Mr. Abhaysinh K. Bhosale, Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra – Respondent No.1.

Mr. S.G. Laddha, Advocate a/with Mr. S.J. Rahate, Advocate for Respondent Nos. 2 to 4.

CORAM : V.M. Deshpande, J.

DATE : 17th June, 2015.

Per Court :-

This is an application filed under Section 439 of the Code of Criminal Procedure for cancellation of anticipatory bail granted in favour of Non-Applicant Nos. 2 to 4 by the learned Sessions Judge, Jalgaon in CMP (Bail) No.17/15 vide order dated 16th January, 2015 passed in connection with CR No. I 217/2014 registered with Badnapur Police Station, District – Jalna for the offences punishable under Section 406 read with 34 of the Indian Penal Code.

[2] It is case of the Applicant that she is the Principal of one College at Badnapur. Said College received the grant for construction of gymnasium. After that, one of the Director of the Trust, which runs

the said College contacted the present Non-Applicant Nos. 2 to 4 on telephone and requested for supply for some articles. According to the Applicant, Rs.15 Lakhs were paid through the R.T.G.S. however, the said articles were not received and, therefore, the First Information Report was lodged.

[3] The learned Sessions Judge, Jalgaon has granted anticipatory bail in favour of Non-Applicant Nos. 2 to 4 vide order dated 16th January, 2015 passed in CMP (Bail) No.17/15.

[4] In response to the notice issued by this Court, Kirti Mangilal Parakh (Non-Applicant No.2) filed affidavit-in-reply on behalf of Non-Applicant Nos. 2 to 4.

According to the said affidavit, the receipt of Rs.15 Lakhs from the College is admitted however, according to the said affidavit, they have already supplied the articles to one Vishal Vasantao Ahirrao. Said aspect is disputed by the learned counsel for the present Applicant.

[5] Be that as it may be, whether the articles are supplied to Vishal Ahirrao or not, as claimed by Non-Applicant Nos. 2 to 4 or those are not received by the College through Vishal, is the matter of evidence.

Further looking to the contents of the F.I.R., transaction is essentially having civil blend. In that view of the matter, remedy is also available to the Applicant to redress his grievance and to recover the amount.

[6] Further, Mr. S.G. Laddha, learned counsel upon instructions from Non-Applicant Nos. 2 to 4 made a statement that already charge-sheet is filed.

[7] In view of the above, Criminal Application for cancellation of bail is dismissed.

(V.M. DESHPANDE, J.)