

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 581 OF 2015

Anand Kerba Dhanwade

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

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Mr. S.S.Bora, Advocate for Applicant.

Mrs. V.A. Shinde, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 26th MARCH, 2015

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PER COURT :

1. By this application, the applicant is seeking his enlargement on bail in connection with Crime No. 58/2014 for the offences punishable u/s 420, 409, 417, 419, 463, 462, 468, 471 read with 34 of the Indian Penal Code registered with Police Station Mukhed, Dist. Nanded.

2. Heard Mr. S.S.Bora, the learned Counsel for the applicants and Mrs. V.A.Shinde, the learned A.P.P. for the respondent – State.

3. The applicant is in jail since 14/01/2015. His

police custody remand was obtained by the Investigating Officer only for one day and thereafter the applicant is in magisterial custody remand.

4. The applicant is Extension Officer (Statistics). The F.I.R. was registered on the basis of an application filed by one Gopal Tukaram Zinzwad before the learned Magistrate u/s 156 (3) of the Code of Criminal Procedure.

The offence is registered as Crime No. 58/2014 dated 21/05/2014 with police station Mukhed. According to the Investigating Officer, who has filed detailed reply opposing the bail application, the investigating agency is not in a position to make statement as to whether the work executed under National Rural Employment Guarantee Scheme is completed or not. Further, in the reply, it has been pointed out that most of the work is executed in between last three years of the registration of the crime like pakka roads, kaccha roads, wells, CCT, CB, etc. It is submitted in the reply by the Investigating Officer that he has already requested the Collector to appoint technical committee. However, it is not stated that when the said technical committee will be submitting report in the matter. The reply is completely silent about the role played by the present applicant and also to the extent of the mis-appropriation alleged to have been committed by the present applicant.

5. Further, the reply shows that the Investigating Officer has already recorded the statement of witnesses and the statements of some witnesses are remained to be recorded

because they have left for Mumbai for their job. It has not been pointed out in the reply as to what steps and efforts the Investigating Officer has taken in tracing out those persons, who have already left for Mumbai.

6. It appears that most of the investigation is on the verge of completion. Further, according to the learned counsel for the applicant, the applicant is already placed under suspension and, therefore, even after his release on bail, he should not be able to have any control or access to the said documents.

7. In the light of the aforesaid discussion, the Court is of the opinion that the applicant can be enlarged on bail.

8. Hence, I pass the following order :

(i) The present Criminal Application is allowed.

(ii) The applicant be released on bail in connection with Crime No. 58/2014 for the offences punishable u/s 420, 409, 417, 419, 463, 462, 468, 471 read with 34 of the Indian Penal Code registered with Police Station Mukhed, Dist. Nanded on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with two solvent sureties of like amount. Bail before the trial Court.

(iii) The applicant shall not tamper with the

prosecution case.

- (iv) The applicant is further directed to attend police station Mukhed, Dist. Nanded once in a week preferably on every Sunday in between 3.00 p.m. and 4.00 p.m. till the charge sheet is filed.
- (v) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]