

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 757 OF 2015

Vijay s/o. Kishanrao Lomate **....Applicant.**

Versus

The State of Maharashtra **....Respondents.**

Mr. Rajendra S. Deshmukh, Advocate for applicant.

Mr. A.V. Deshmukh, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 11th February, 2015.

ORDER :

1. The application is filed for relief of anticipatory bail. The previous application of the present applicant was rejected by this Court on merits on 31.7.2013. In view of this circumstance, the learned counsel for applicant was asked to argue on merits. This Court even did not feel it necessary to issue notice to other side. Copy of the order is made available.

2. The crime is registered against the applicant for the offences punishable under sections 420, 467, 468, 471, 409, 34 etc. of I.P.C. There is allegation that by misusing his position, he misappropriated the Government money. The material available against the applicant is already discussed by this Court in the order dated 31.7.2013 and this Court is not feeling it necessary to discuss that material again. The learned counsel for the

applicant was expected to show that there has been change in the circumstance.

3. The learned counsel for applicant submitted that Investigating Officer did not arrest him since the rejection of the previous application filed for relief of anticipatory bail and so custodial interrogation of the applicant is not necessary. He submitted that chargesheet is also not filed. The circumstance that chargesheet is not filed is sufficient to infer that investigation is not complete. There may be many reasons for not arresting the accused which may include the influence which he can yield. On this ground, no relief can be granted to the applicant when this Court had earlier held that he is not entitled any relief under section 438 of Cr.P.C.

4. The learned counsel for applicant submitted that the applicant's marriage will be solemnized on 21.2.2015. He has placed some record like photographs like engagement ceremony and marriage invitation card. He submitted that atleast for this purpose, protection needs to be given. This Court holds that when the Court has formed the opinion on merits when the application is rejected earlier, no such concession can be given for any reason whatsoever. This Court holds that on this ground also, no relief even for a particular period can be given to the

applicant.

5. The learned counsel for applicant then submitted that in view of the provisions of the scheme of National Rural Employment Guarantee Act, 2005, it cannot be said that there was any role of Agricultural Assistant, applicant for implementation of the project. In respect of the project given to agricultural department, persons from that department are involved directly in the implementation of the scheme. The officers like Agricultural Assistant is expected to supervise the preparation of labour list and even disbursement of the labour charges as per the duties assigned to Agricultural Assistant. There are serious allegations against the present applicant which are discussed by this Court in aforesaid order and it cannot be said that applicant was not at all involved in implementation of the scheme. This contention is not correct. This Court holds that there has been no change in the circumstance and it is not a fit case to grant relief.

6. In the result, the application is rejected.

[T.V. NALAWADE, J.]

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