

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

**CRIMINAL APPLICATION NO. 1813 OF 2015**

Ramrao Baburao Maskale

.... **APPLICANT**

**V E R S U S**

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. A.V.Patil (Indrale), Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for Resp.- State.

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**CORAM : V.M.DESHPANDE, J.**

**DATE : 7<sup>th</sup> MAY, 2015**

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**PER COURT :**

1. This is an application filed u/s 439 of the Code of Criminal Procedure.

Applicant is arrested in Crime No. 83/2013 registered with police station Mukhed, Dist. Nanded for the offence punishable u/s 409,417,419,420,462,463,468,471 read with 34 of the Indian Penal Code.

2. Heard Mr. A.V.Patil (Indrale), learned Counsel for the applicant and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State.

3. Applicant, whose bail application is primarily

opposed by the prosecution on the ground that he being Sarpanch of village Mangyal, is influential person and, therefore, if the applicant is released on bail, there is likelihood at his behest to interfere and tamper with the prosecution and investigation.

4. The genesis of registration of present crime is the order passed by learned Magistrate in the application u/s 156 (3) of the Code of Criminal Procedure. The application was filed on 13/05/2013 and the learned Magistrate issued directions on 17/06/2013.

Crime was registered on 17/06/2013. Though, the offence was registered on 17/06/2013, applicant was arrested on 07/03/2015. After his arrest, applicant was taken in police custody remand and since 13/07/2015, he is in magisterial custody remand.

5. Though, in the reply, it has been stated by the Investigating Officer that from the applicant, record like muster roll, job cards, death register certificate and list of labours prepared by him is to be recovered, learned A.P.P. submitted that said part in the reply is due to mistake. Further, it is also not in dispute that the entire record is already handed over to the Investigating officer by Gramsevak of the said Gram Panchayat and it is in custody of the Investigating Officer.

6. According to prosecution, the nature of the duty of applicant was to supervise the work and also to see that the

needy persons are given employment. To the Court query, learned A.P.P. submitted that investigation in so far as present applicant is concerned, is already over.

7. Since the investigation in so far as present applicant is over, coupled with the fact that entire record is already in possession of the Investigating Officer, the apprehension of prosecution in respect of interference with the prosecution case, can be taken care of by imposing certain conditions upon the applicant. That leads me to pass the following order.

(i) Present Criminal Application is hereby allowed.

(ii) Applicant Ramrao Baburao Maskale be released on bail in connection with Crime No. 83/2013 registered with police station Mukhed, Dist. Nanded for the offence punishable u/s 409,417,419,420,462,463,468,471 read with 34 of the Indian Penal Code on he executing P.R.Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount.

(iii) Applicant shall attend police station Mukhed twice in a week i.e. on every Sunday and Wednesday. Applicant shall remain in police station on these two days between 10.00 a.m. and 1.00 p.m. Applicant shall give his attendance till

the charge sheet is filed.

(iv) With these observations, present Criminal Application is disposed of.

**[V.M.DESHPANDE, J.]**

KNP/Cr.Apln. 1813.2015