

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

CRIMINAL APPLICATION NO. 2163 OF 2015.

ANAND S/O MADHAV NAIK.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Anil Mordikar, Senior Counsel i/by Mr. Swapnil B. Joshi,
Advocate for the Applicant.

Mr. A.V. Deshmukh, Additional Public Prosecutor for the State of
Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 6th May, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail, in connection with CR No.189/2014 registered with Police Station, Government Railway Police, Bhusawal, District - Jalgaon for the offences punishable under Section.s. 465, 467, 471, 409 read with 119 of the Indian Penal Code, under Section 3(a) of the Railway Property (Unlawful Possession) Act and under Section 3 of the Maharashtra Money Lending Act, 2014.

[2] I have heard Mr. Anil Mordikar, learned Senior Counsel i/by Mr. Swapnil B. Joshi, Advocate for the Applicant and Mr. A.V. Deshmukh, learned Additional Public Prosecutor for the State.

[3] First Information Report is dated 10th November, 2014. It was lodged by Babu Supdu Tadwi, Circle Chief Ticket Inspector, Central Railway, Bhusawal. First Information Report does not disclose any positive act on the part of the present Applicant. Present Applicant is the travelling Inspector of Station Account (TIA) at Bhusawal Division. According to the prosecution, during the course of investigation of the Crime, role of the present Applicant is revealed.

The prosecution alleged that the Applicant, who is Auditor has failed to discharge his duty properly and has not conducted the audit periodically, thereby, facilitated Accused No.1 – Sanjay Satyanaran Wajale to siphon an amount of Rs.19 lakhs by preparing false receipts made for Railway commuters.

[4] Worth to note that Accused No.1 – Sanjay is already released on bail by the learned trial court. Further, it is pointed out to this court that, other accused are already released on bail by the court below.

[5] Present Applicant is arrested on 20th March, 2015. He was in police custody remand.

[6] The learned Additional Public Prosecutor has fairly stated that in so far as present Applicant is concerned, investigation is already over. It is also informed that present Applicant is already suspended from his employment.

[7] The Investigating Officer is personally present in the court hall. Upon instructions from the Investigating Officer, the learned Additional Public Prosecutor has made a submission that investigation in so far as present Applicant is concerned, is over.

[8] Looking to the nature of work and looking to the accusations made against the Applicant that he has not discharged his official duty properly, his further custodial presence is not at all warranted, that leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - ANAND S/O MADHAV NAIK shall be released on regular bail on he executing P.R. Bond of Rs. 35,000/- [Rs. Thirty Five Thousand.] with two solvent sureties in the like amount, in connection with CR No.189/2014 registered with Police Station, Government Railway Police, Bhusawal, District - Jalgaon for the offences punishable under Section.s. 465, 467, 471, 409 read with 119 of the Indian Penal Code, under Section 3(a) of the Railway Property (Unlawful Possession) Act and under Section 3 of the Maharashtra Money Lending Act, 2014.

(ii) Bail before trial court.

(iii) The Applicant shall attend the Police Station, Government Railway Police, Bhusawal, District - Jalgaon once in a week, preferably on every Sunday and shall remain present in the said Police Station between 3.00 p.m. to 4.00 p.m., till charge sheet is filed.

(iv) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)