

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 3226 OF 2015
[Himmatrao Atmaram Baviskar and another Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri V.P.Patil, advocate for applicants
Shri V.H.Dighe, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 10th July, 2015

PER COURT :-

1] This is an application for anticipatory bail, since the applicants are apprehending their arrest, in connection with Crime No. 99 of 2014, registered with Chopda City police station, District Jalgaon, for the offences punishable under Sections 406, 420, 468, 427, 429, 477(A) of the Indian Penal Code.

2] Heard Shri V.P.Patil, learned counsel for applicants and Shri V.H.Dighe, learned Additional Public Prosecutor for the respondent/State.

3] First informant Arjun Jayram Koli claims that he is social activist and he has filed an application under Section 156(3) of the Criminal Procedure Code before the learned Judicial Magistrate, First Class, Chopda, who passed an order of registration of Crime, and accordingly, present Crime is registered.

4] According to the first information report, there is misappropriation in Jal Swarajya scheme of State of Maharashtra. The first information report and other investigation papers do not clearly reflect the exact role of the present applicants. Applicant no.1 is a retired teacher; whereas applicant no.2 is an agriculturist. According to the prosecution, these two applicants were the members of the body, however, there is nothing available on record in the investigation papers to show that at any point of time these two persons were having any control over the documents. Further, from the investigation papers, the learned Additional Public Prosecutor submits that no specific role is attributed against the present applicants.

5] Looking to the fact that the applicants are aged person and since they do not have any control over any of the documents, which are already in the custody of the investigating officer, the applicants can be protected by grant of anticipatory bail. That leads me to pass following order.

ORDER

- (i) Application is allowed.
- (ii) Applicants No.1-Himmatrao Atmaram Baviskar and No.2-Nathu Raghunath Patil, be released on anticipatory bail, on they each executing P.R.bond of Rs.15,000/- with one solvent surety in the like amount by each of them, in connection with Crime No. 99 of 2014, registered with Chopda City police station, District Jalgaon, for the offences punishable under Sections 406, 420, 468, 427, 429, 477(A) of the Indian Penal Code.
- (iii) Applicants No.1-Himmatrao and No.2-Nathu shall attend the police station Chopda City as and when required

by the investigating officer.

(iv) If the investigating officer wish to have presence of the present applicants, then in that event, the investigating officer shall give 24 hours prior written communication to the applicants.

(v) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3226.15