

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 3293 OF 2015**[Shaikh Ayyub s/o Shaikh Saber Vs The State of Maharashtra & anr.]**

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

Court's or Judge's orders

Shri S.J.Salunke, advocate for applicant
Smt. S.G.Chincholkar, A.P.P. for respondents

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CORAM : V.M.DESHPANDE, J.**DATED : 27th July, 2015****PER COURT :-**

1] Heard Shri S.J.Salunke, learned counsel for applicant and Smt. S.G.Chincholkar, learned Additional Public Prosecutor for the respondents/State.

2] By the present application, the applicant, who is apprehending his arrest, in connection with Crime No. 86 of 2015, for the offences punishable under Sections 409, 420 of the Indian Penal Code, registered with Police Station Beed City, District Beed, is praying for anticipatory bail.

3] The first information report is lodged by the Assistant Accounts Officer. Sum and substance of the nature of accusation against the present applicant is that, the applicant being Junior Assistant, from 12.7.2005 to 10.10.2014 he was responsible for taking the amount from the wages of the employees and to appropriate the same in the concerned accounts. According to the first information report, it was noticed that there is credit balance in the account of the Department, that means according to the allegations, the present applicant has not disbursed the amount.

4] The learned Additional Public Prosecutor has filed the reply on behalf of the investigating officer. Even from the reply, it is clear that there are no allegations against the present applicant that he has misused the amount and/or misappropriated the amounts. In fact, it appears from the notice, dated 4.2.2015 issued by the authority against the present applicant that he was called to give explanation as to why he has not submitted a particular set of accounts. Therefore, it is crystal clear that the applicant has committed certain administrative lapse while discharging his duties, for that he can be departmentally punished.

5] Further, it is clear from the submissions of the learned Additional Public Prosecutor that all the record is with the investigating officer.

6] Looking to the nature of accusations made against the present applicant and the fact that entire record is available with the department and the investigating officer, custodial presence of the applicant is not at all warranted. That leads me to pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Shaikh Ayyubs/o Shaikh Saber, in connection with Crime No. 86 of 2015, for the offences punishable under Sections 409, 420 of the Indian Penal Code, registered with Police Station Beed City, District Beed, be released on anticipatory bail on he executing P.R. bond of Rs.10,000/- with one solvent surety in the like amount.
- (iii) Applicant-Shaikh Ayyub shall attend police station Beed City, Beed twice in a week, preferably on every Saturday and Sunday, between 10.00 a.m. to 2.00 p.m. till the charge

sheet is filed.

(iv) Applicant-Shaikh Ayyub shall also attend the police station Beed City bereft of the afore said two days, as and when required by the investigating officer, on getting written communication from the investigating officer.

(v) Application is disposed of.

(V.M.DESHPANDE, J.)

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