

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

CRIMINAL APPLICATION NO. 3812 OF 2015.

SHESHKUMAR DNYANOBA JAGTAP
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. S.S.Thombre, Advocate for the Applicant.

Mr. D.V. Tele, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 3rd August, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No.179/2015 registered with Police Station, Osmanabad (City), District – Osmanabad for the offences punishable under Section 409 of the Indian Penal Code.

[2] Heard Mr. S.S.Thombre, learned counsel for the Applicant and Mr. D.V. Tele, learned Additional Public Prosecutor for the Respondent - State of Maharashtra.

[3] The Applicant is the Superintendent of Government Warehouse at Osmanabad. The Applicant applied for leave from 15th April, 2015 to 19th April, 2015. Said leave was granted. After getting

the said leave, he has handed over the Charge of said Warehouse to Mr. L.T. Dandele, who has executed the charge list.

[4] Mr. S.S.Thombre, learned counsel for the Applicant has invited attention of this court to the statements of Sambhaji Vaidya and Mr. H.L. Jadhav, given to the Divisional Manager of the Maharashtra State Ware House Corporation, Latur. In the said statements, they have specifically admitted that from 15th April, 2015 onwards Mr. Dandele was the Incharge of Warehouse.

[5] After availing the leave, present Applicant resumed the duty on 20th April, 2015 and thereafter he gave communication to the Divisional Manager of Maharashtra State Ware House Corporation by which it was pointed out that he noticed short fall of pulses and other commodities.

[6] On 24th April, 2015 notice is also issued to Mr. Dandele. When these things were going on, First Information Report is lodged with Police Station, Osmanabad (City), District – Osmanabad for the offences punishable under Section/s 409 vide CR No.179/2015,

[7] In the First Information Report, it is stated that the Applicant has availed the leave and at the time of handing over the keys of Warehouse, he ought to have taken the signature of Mr. Dandele in respect of handing over of the charge, which according to the First Information Report has not been done.

[8] This particular aspect, as noted in the First Information Report is contrary to the record available at page No.57 of the compilation, which clearly shows that, when the Charge was given to Mr. Dandele, he has signed the charge list.

[9] In that view of the matter, custodial presence of the present Applicant is not necessary. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant - SHESHKUMAR DNYANOBA JAGTAP shall be released on anticipatory bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] with two solvent sureties in the like amount, in connection with CR No.179/2015 registered with Police Station, Osmanabad (City), District – Osmanabad for the offences punishable under Section 409 of the Indian Penal Code.

(iii) The Applicant shall attend Police Station, Osmanabad (City), District – Osmanabad once a week, preferably on every Sunday, between 3.00 p.m. to 5.00 p.m., till charge sheet is filed.

(iv) The Applicant shall not tamper with the prosecution witnesses.

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

(V.M. DESHPANDE, J.)