

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

CRIMINAL APPLICATION NO. 3997 OF 2015

Ramesh Pandhari Nikam,
Age: 45 years, Occ: Labour,
R/o. Renapur, Tq. Renapur,
Dist. Latur.

...Applicant

versus

The State of Maharashtra
through Investigating Officer,
Renapur Police Station,
Tq. Renapur, Dist. Latur.

...Respondent

.....
Mr. R.V. Gore, Advocate for applicant
Mr. S.R. Palnitkar, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 9th SEPTEMBER, 2015

ORAL ORDER :

The applicant is arrested in Crime No. 31 of 2015 for the offence punishable under Sections 409, 420, 419, 467, 471, 468 of the Indian Penal Code, wherein the allegations in the complaint are that the applicant being salesman though has sold commodities with the co-operative society has not deposited the considerations thereof in the account society and as such, has committed the act of defalcation.

2. The investigation is already completed.

3. The perusal of the charge sheet depicts that along with the present applicant, four directors of the society also named as accused.

4. In my opinion, looking to the allegations, the responsibility of the present applicant to deposit the amount when in fact he was continued the work on the same post for the period of four years from 2011 till the date on which defalcation took place raises doubt about the case of prosecution.

5. In view thereof, no purpose will be served by detaining the present applicant in the judicial custody. As such, it will be appropriate, in my opinion, to order the release of the applicant on bail. Hence, I propose to pass the following order.

The applicant be released on bail, upon furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount in connection with Crime No.31 of 2015 registered with Renapur Police Station, District Latur for the offence punishable under Sections 409, 420, 419, 467, 471, 468 of the Indian Penal Code.

6. The application stands allowed in above terms.

[N.W. SAMBRE, J.]