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

CRIMINAL APPLICATION NO.4477 OF 2015

Madhukar s/o Badu Rathod

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

Mr Gaurav L. Deshpande, Advocate for applicant;
Mrs M.A. Deshpande, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 15th September, 2015

ORAL ORDER :

By the present application, the applicant, who is apprehending arrest, in connection with C.R. No.30 of 2015, registered with Himayatnagar police station, Dist. Nanded, for offences punishable under sections 420, 408, 409 read with sec. 34 of the Indian Penal Code, seeks his release on bail, in the event of his arrest.

2. The allegations against the present applicant and one Vikas Bharati, who was working as a Gramsevak along with the applicant are that, they have misappropriated amount of Rs.3 Lacs, received from the Government for construction of "Tanta Mukti Bhavan".

3. The Gramsevak is already protected by this Court by an order dated 21st July, 2015, passed in Criminal Application No.3458 of 2015.

4. When the learned Addl. Public Prosecutor was confronted with the observations made by this Court in paragraph 4 of the order dated 21st July, 2015, she has responded by submitting that though the original record was called from the Block Development Officer, he has not

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responded to the same and as such, even today, the original record pertaining to the receipt of funds for construction of "Tanta Mukti Bhavan", is not made available.

5. In my opinion, the applicant, who is Sarpanch, is entitled to the same relief as has been ordered by this Court on 21st July, 2015, in Criminal Application No.3458 of 2015. Hence, following order :-

A) Application is allowed.

B) The applicant Madhukar s/o Badu Rathod be released on anticipatory bail in the event of his arrest in connection with Crime No.30 of 2015, registered with police station, Himayatnagar, Dist. Nanded, for offences punishable under sections 420, 408, 409 read with sec. 34 of the Indian Penal Code, on he executing PR bond of Rs.5000/- (Rs. Five Thousand only) with one solvent surety in the like amount.

C) The applicant is directed to attend police station, Himayatnagar, Dist. Nanded, twice a week, preferably on every Tuesday and Thursday, in between 11 a.m. to 2 p.m. and shall extend full co-operation to the investigating officer.

(N.W. SAMBRE, J.)

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