

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

Criminal Application No.6896 of 2014

Sanju s/o Julal Bhamre.

.. Applicant.

Versus

The State of Maharashtra & Anr.

.. Respondents.

Shri. R.M. Deshmukh, Advocate, for applicant.
Shri. R.P. Phatke, Additional Public Prosecutor, for
respondents.

CORAM: T.V. NALAWADE, J.

DATE : 6th JANUARY 2015

ORDER:

1) The application is filed for relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation.

2) Crime is registered on the basis of report given by Headmaster of one school from Amalner. The applicant was working as peon / watchman in one of the schools of the institution. One private watchmen Gangaram Deoram Mali is also appointed by the school. The incident in question took place on the night between 21-11-2014 and 22-11-2014.

3) On that night, Gangaram Deoram Mali was not available and so the other peon Dinkar Chudaman Patil was asked to do the duty as watchman. Dinkar called present applicant who was posted in other school to give him company on that night. On 22-11-2014 when the Headmaster checked cash in hand he found that an amount of Rs.19,200/- was missing from the cash in hand. As per the account, amount of Rs.68,680/- was expected to be with the institution as cash in hand.

4) CCTV cameras are fixed in the school and after seeing the footage of the CCTV camera they found that present applicant had entered the school and he had come out of the school after 5 to 10 minutes. After making some inquiry the school management realised that theft of amount and also theft of proceeding book for the year 1980 to 2007 was committed. Then report came to be given.

5) The submissions made by the learned counsel for the applicant show that even prior to registration of the crime i.e. on 26-11-2014 the applicant was called by police and he was interrogated. Even when this

submission was made, the learned counsel for the applicant submits that there is no explanation given in the FIR about delay caused in giving of the FIR. It can be said that attempt was made to see that no crime is registered but the institution failed in that attempt and ultimately steps like giving FIR were required to be taken. The said CCTV footage was produced before the investigating agency and it is consistent with the aforesaid allegations made against the present applicant.

6) Learned counsel for the applicant submits that there are two groups in the school management and some dispute is pending in the office of the Assistant Charity Commissioner between the two groups. He submitted that he is made scapegoat due to this dispute. This submission cannot be accepted at this stage when there are allegations of aforesaid nature and there is record of aforesaid nature. This Court holds that custodial interrogation is must in this case. It is not fit case to grant relief of anticipatory bail. The application stands rejected.

Sd/-

(T.V. NALAWADE, J.)

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