

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 55 OF 2015

Salim Jainuddin Shaikh. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Rahul Arote, advocate for Applicant.

Mr. D.P. Adsule, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 10, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 485 of 2014 registered at Shirur Police Station for offence
punishable under Section 409 of the Indian Penal Code.

3 It is the case of the prosecution that the applicant was entrusted with additional responsibility of collection of payment of bills and deposit the same in the banks. The principal allegations against present applicant is that he had not deposited amount collected immediately and had put it to the personal use temporarily. The complainant had asked him to deposit the amount forthwith. According to the complainant, the applicant had misappropriated an amount of Rs. 17,37,618/-.

4 The learned Counsel for the applicant has placed on record the medical certificate showing that the applicant had undergone operation of the kidney transplant. The said contention has been verified by the prosecution. Today learned APP has placed on record the certificate issued by Jaslok hospital on 29/1/2015 wherein it is specifically stated that the applicant has undergone Kidney Transplant surgeries twice in the past- first in Ruby Hospital at Pune and the second in Jaslok Hospital on 8/7/2010.

5 It is further certified that the applicant is a known case of diabetes mellitus and hypertension. He is on immunosuppressive therapy, insulin and antihypertensive medication. The learned

6 Counsel for the applicant has also placed on record the charge-sheet issued by the office of Maharashtra State Electricity Board of the departmental enquiry wherein it is specifically stated that he has deposited the entire amount of Rs. 24,41,958/-. The charge alongwith charge-sheet would show the delay caused in depositing the said amount. It is further stated in the charge-sheet that due to delayed depositing in the account, the Board has suffered a loss of Rs. 1,98,174/-. Copy of the charge-sheet is taken on record and marked as Article "X" for the purpose of identification.

7 For the aforesaid reasons, the applicant deserves pre-arrest bail.

8 The observations made hereinabove are prima facie in nature. The same shall not be considered at the time of deciding application for discharge or application for quashing of FIR or at the time trial.

9 Hence following order is passed.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 485 of 2014 registered at Shirur Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station as and when called.

10 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)