

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.412/2015

(Imran Zahir Sheikh and anr. ..vs.. The State of Maharashtra, through PSO P. S.
Salekasa, Dist. Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. A. Naik with Mr. R. A. Gupte, Advocate for
applicants.

Mr. P. V. Bhoyar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATE : SEPTEMBER 8, 2015.

This is an application for anticipatory bail.
By the present application, the applicants, who are
apprehending their arrest in connection with Crime
No.35/2015, registered with Police Station Salekasa,
Dist. Gondia, for an offence punishable under
Sections 409, 465, 468, 471, 477-(A) read with 34 of
the Indian Penal Code, are before this Court.

Mr. A.A. Naik, learned counsel for the
applicants and Mr. P.V. Bhoyar, A.P.P. for non
applicant-State.

On 31.07.2015, Mr. Ashwinikumar
Thakkar, Assistant Conservator of Forest, has lodged
a report with Police Station Salekasa, Dist. Gondia
that the amount was sanctioned to the Range Forest
Officer to implement the work in his jurisdiction,

however, Mr. Dende, the Range Forest Officer, has not submitted the account to the office till 28.05.2015 and he was going to retire on 31.05.2015. According to the FIR, the RFO Dende has submitted bill of Rs.31,57,104/- out of Rs.35,18,033/-.

It is to be noted that in the present matter, the applicants are Forest Guards and are not an authority for disbursement of any amount nor they are sanctioning authority in respect of the work order.

In that view of the matter, the application of the applicants can be considered favourably. Further, there is a very little possibility that they will not be available to the course of justice, if they are granted bail as they are the Government servants. This leads me to pass the following order.

ORDER

(i) Criminal Application No.412/2015 is allowed.

(ii) In the event of arrest of applicant no.1-Imran s/o Zahir Sheikh and applicant no.2-Surajlal s/o Sonuji Lanjewar, in connection with Crime No.35/2015, registered with Police Station Salekasa, Dist. Gondia for an offence punishable under Sections 409, 465, 468, 471, 477-(A) read with 34 of the Indian penal Code, they shall be released on bail on

they executing P.R. Bond in the sum of Rs.20,000/- each with one surety each in the like amount.

(iii) The applicants shall attend Police Station Salekasa, Dist. Gondia as and when required by the Investigating Officer and shall cooperate with the I.O. However, for calling the applicants to the Police Station, the I.O. shall give a clear cut 48 hours written communication to the applicants.

JUDGE

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