

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (ABA) NO. 591/2015
(Shakir Habib Khan Pathan vs. State of Maharashtra)

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

Court's or Judge's order

.....
 Mr. V.N.Morande, Adv. for applicant
 Mrs. S.S.Doiphode, APP. for respondent State

CORAM: A.B.CHAUDHARI, J.
DATED : 23rd December, 2015.

Heard.

In respect of Crime No. 32/2015 for offence punishable u/ss. 409, 420, 477A read with Section 34 of the Indian Penal Code registered at Korchhi Police Station Dist. Gadchiroli, the applicant-Contractor is seeking an anticipatory bail.

Mr. S.S. Doihphode, the learned APP with the Investigating Officer has shown me the police investigation papers. I have also seen the bank passbook entries of the Junior Engineer Sharad Mankar which shows that an amount of Rs. 2 lakhs deposited by account payee cheque by the present applicant Shakir Habib Khan Pathan on 25.3.2014 and another Rs. 2 lakhs on 7.4.2014. Thus, the bribe amount of Rs. 4 lakhs was obtained by Shri Sharad Mankar through account payee cheques and this should be a classic example as to how the bureaucracy has audacity to obtain the bribe by cheques. The learned counsel for the applicant then submits that he had also given

cheques self-drawn, for the sum of Rs. 7 lakhs which were withdrawn by Sharad Mankar. Thus the total amount of Rs. 11 lakhs was appropriated by Sharad Mankar. The Investigating Officer has then shown me an agreement obtained by Shakir Habib Khan Pathan, the applicant from Sharad Mankar, The recital in the agreement are tell-tale and shows that the Junior Engineer himself became the contractor for the work in question and used the applicant-Shakir Habib Khan Pathan eventually because he has been a registered contractor.

I am satisfied that Shabbir Habib Khan Pathan the present applicant has made a mistake in joining hands with Sharad Mankar. But then the record clearly shows that he merely acted for him. The applicant is therefore clearly entitled to the relief of grant of anticipatory bail. Hence the following order:

ORDER:

In the event of arrest of the applicant in respect of Crime no.32/2015 for offence punishable u/ss. 409, 420 , 477A r/ws. 34 of the IPC, the applicant-Shakir Habib Khan Pathan be released on bail on his executing P.R. bond in the sum of Rs. 20,000/- (rupees twenty thousand) with one solvent surety in the like amount, with condition that he shall cooperate with the investigating machinery.

On his behalf, Mr. V.N. Morande, learned counsel undertakes that his client would not, in future, repeat the same mistake.

JUDGE