

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

CRIMINAL APPLICATAION NO.222 OF 2016

Nandkumar Valappa Nagapure,
Age 43 years, Occu. Service as
Talathi, R/o Samata Nagar,
Kopargaon, Taluka Kopargaon,
District Ahmednagar

.. Applicant

Versus

1. The State of Maharashtra,
Through the Police Inspector,
Kopargaon City Police Station,
Taluka Kopargaon,
District Ahmednagar

2. The Superintendent of Police,
Ahmednagar

.. Respondents

Mr V.D. Sapkal, Advocate for applicant
Mr S.M. Ganachari, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 2nd February 2016

PER COURT

Heard.

2. The applicant, a Talathi transferred from Rahuri to Kopargaon on 31st May 2015 and thereafter again transferred to Rahuri is booked for an offence punishable under Section 406 of Indian Penal Code, upon a complaint lodged by the Inward/Outward Clerk of the office of Tahsildar alleging that the applicant though has obtained an acknowledgment of submission of service book and last pay certificate, has not submitted the service book in the custody of said Clerk.

3. Learned A.P.P., while opposing the application and making out a case for custodial interrogation of the applicant would submit that the

applicant, a public servant has no respect for rule of law. From the investigation papers, he tried to bring to the notice of this Court about insubordinate activity of the applicant.

4. In my opinion, looking to the nature of allegations in F.I.R., custodial interrogation of the applicant is not necessary. As such, applicant deserves to be released on bail.

5. One of the aspects for grant of bail is that the applicant is a public servant and is available for investigation. Needless to say that the default, if any on the part of the applicant as is demonstrated from the investigation papers could be redressed/looked into under the relevant disciplinary rules. As such, I proceed to pass the following order.

(I) In the event of arrest in Crime No.I-215/2015, registered at Kopargaon City Police Station, District Ahmednagar, for the offence punishable under Section 406 of Indian Penal Code, the applicant be released on bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(II) The applicant to attend the Investigating Officer on 10th, 11th and 12th February 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called.

6. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)