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

CRIMINAL APPLICATION NO. 552 OF 2016

Ajay s/o Ganraj Bhagat

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr N.B. Narwade, Advocate for applicant;

Mr M.B. Bharaswadkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 18th February, 2016

ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.I-397 of 2015, registered with Tofkhana police station, Ahmednagar, for offences punishable under sections 420, 467, 468, 471 and 427 of the Indian Penal Code.

2. The prosecution case against the applicant is that, in connivance with the other employees of the Maharashtra State Electricity Distribution Company, he has forged receipts against payment of electricity bills.

3. After custodial interrogation, the applicant is in magisterial custody remand.

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4. While trying to make out a case for grant of bail, learned Counsel appearing on behalf of the applicant would urge that further detention of the applicant is not necessary, as the entire bill amount that was received by him was passed on to the other accused persons, who are employees of the company, who have played fraud on the present applicant by misrepresenting that they are authorized to collect the amount towards payment of electricity bills from the consumers of the company.

5. Learned Counsel submits that in order to demonstrate *bona fides* of the applicant, without prejudice to his rights, the applicant is ready to deposit the amount of Rs.60,000/- and has drawn a Demand Draft in favour of Maharashtra State Electricity Distribution Company, for an amount of Rs.60,000/-, which is the amount of defalcation.

6. Learned Addl. Public Prosecutor opposed the application on the ground that the investigation in the matter is yet to be completed.

7. It is noted here that the applicant has shown his *bona fides* by tendering a Demand Draft of Rs.60,000/- to the learned Addl. Public Prosecutor, who is directed to hand over the same to the Investigating Officer, who in turn shall hand over it to the officer of Maharashtra State Electricity Distribution Company, i.e. complainant.

8. Since the custodial interrogation of the applicant is already over, in my opinion, his further detention is not necessary. There are no criminal

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antecedents against the applicant.

9. In view of above, in my opinion, it will be appropriate to enlarge the applicant on bail. I, therefore, pass following order :-

The applicant be released on bail, in connection with C.R. No.I-397 of 2015, registered with Tofkhana police station, Ahmednagar, for offences punishable under sections 420, 467, 468, 471 and 427 of the Indian Penal Code, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj