

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

907 CRIMINAL APPLICATION NO. 3111 OF 2016

BALAJI S/O VENKATRAO JADHAV

VERSUS

THE STATE OF MAHARASHTRA

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Mr. G.D.Kale, Advocate for Applicant.

Mr. S.B.Yawalkar, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 18th AUGUST, 2016

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PER COURT :

1. Heard. Learned A.P.P. opposed the application by contending that during the course of investigation, Investigating Officer has recorded statements of several witnesses showing that number of beneficiaries are increased in order to mis-appropriate the subsidized food grains by the present applicant, who is owner of fair price shop at the village.

2. Perusal of the F.I.R. shows that allegations are to

the effect that bogus ration cards are prepared and number of beneficiaries are increased. Learned A.P.P. is not in a position to point out any tangible evidence to show that bogus ration cards are prepared by the present applicant. If number of beneficiaries is increased, then ultimate benefit will go to the ration card holders.

3. In this view of the matter and as the revenue department is taking necessary action by way of fact finding enquiry by the Tahsildar concerned, custodial interrogation of the applicant in the crime, which is based on documentary evidence, is not warranted and, therefore, the following order.

- (i) Present Criminal Application is allowed.
- (ii) In the event of his arrest in Crime No. 89/2016 registered at Mukramabad police station, Tq. Mukhed, Dist. Nanded, for the offences punishable U/ss 420,467,468,471,409 read with 34 of the Indian Penal Code, applicant/accused Balaji s/o Venkatrao Jadhav be released on bail on executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount.
- (iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing

the same either to the police or the Court.

- (iv) The applicant shall not tamper the evidence of the prosecution.
- (v) The applicant to attend concerned police station on every Sunday in between 11.00 a.m. and 1.00 p.m. and he shall co-operate the Investigating Officer in investigation of the crime in question till filing of the charge sheet.

[A.M.BADAR, J.]