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

CRIMINAL APPLICATION NO.4920 OF 2015

Bapusaheb s/o Chandrabhan Thengde ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Ishtiaque Ahmad Patel, Advocate for applicant;
Mr U.S. Mote, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 22nd January, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant, who is working as a Post Master, seeks his release on pre-arrest bail, in connection with C.R. No.I-137 of 2015, registered with Police Station, Khultabad, Dist. Aurangabad, for offences punishable under sections 420, 406, 467, 471, 409, 120-B read with section 34 of the Indian Penal Code.

2. The case of the prosecution is that the applicant, being a Post Master, was instrumental in playing fraud for opening the accounts of the labourers who were employed while implementing the scheme under Mahatma Gandhi National Rural Employment Guarantee Act. The allegation against the applicant that he has facilitated the opening of the accounts, false withdrawals and as such, leaded the offence in question, resulting into registration of C.R. No.I-137 of 2015, under the above referred sections of the Indian Penal Code.

(2)

3. Perused the contents of the first information report and the investigation papers, insofar as the applicant is concerned.

4. The scheme framed by the State Government reflects that the applicant herein is no way responsible for the issue as regards identifying the unskilled workers and to aid them with the opening of the accounts with the post office, as same is the job of Gram Rojgar Sevak.

5. The record produced before this Court by the Investigating Officer reflects that the accounts opened by the card holders (unemployed youths) were operated by account holders.

6. Apart from above, there is hardly any role ascribed to the applicant, particularly in the light of the scheme. In that view of the matter, in my opinion, custodial interrogation of the applicant, in the capacity of Post Master, in the crime in question, is not necessary.

7. In view thereof, in my opinion, it will be appropriate to direct release of the applicant on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No.I-137 of 2015, registered with Police Station, Khultabad, Dist. Aurangabad, for offences punishable under sections 420, 406, 467, 471, 409, 120-B read with section 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(3)

The applicant shall attend the Investigating Officer initially during the period from 1st to 4th February, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by him, for the purpose of investigation.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj