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

CRIMINAL APPLICATION NO.5898 OF 2016

Jyoti D/o Rajaram Pawar,
Age: 42 years, Occu: Service,
R/o Udgir, Tq. Udgir,
Dist. Latur

..APPLICANT

VERSUS

The State of Maharashtra
& anr

..RESPONDENTS

Mr R. N. Dhorde, Senior Advocate i/b Mr V. R.
Dhorde, Advocate for applicant;
Mr C. V. Dharurkar, A.P.P. for respondents

CORAM : A.S. CHANDURKAR, J.

DATE : 15th NOVEMBER, 2016

ORAL ORDER :

Heard.

2. The applicant is apprehending her arrest with regard to Crime No. 0104 of 2016 registered at Pimpalner Police Station, Dist. Beed for having committed offence punishable under Sections 420, 465, 468 read with Section 34 of the Indian Penal Code, Sections 3 and 7 of the Essential Commodities

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Act and Sections 12 and 13 of the Prevention of Corruption Act.

3. According to the applicant, she was serving as Naib Tahsildar and was subsequently promoted to the post of Tahsildar. During the course of service, she was transferred to Tahsil Office, Beed. By the order dated 3rd June, 2015, she was placed under suspension, which order came to be subsequently revoked pursuant to the legal redress obtained by the applicant. The applicant was subsequently transferred to Nanded and resumed her duties on 18th June, 2016. The crime came to be registered on 22nd June, 2016 with regard to her earlier service at Beed.

4. It is submitted by learned Senior Counsel Shri. Dhorde on behalf of the applicant that F.I.R. does not implicate the applicant and it is an outcome of differences of the applicant with the Collector, when she was serving at Beed. Reference is made to the orders by the Maharashtra

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Administrative Tribunal to indicate the harassment in her service career. It is further submitted that despite not being implicated in the aforesaid offence, as she apprehended her arrest, she had moved learned Sessions Court, which rejected the prayer for grant of anticipatory bail on the ground that number of card holders were shown on a higher side to increase the food grain quota. The F.I.R. merely refers to various irregularities committed by retailers named therein.

5. The application is opposed by learned Additional Public Prosecutor by relying upon the police papers. It is submitted that number of card holders were increased at the instance of present applicant, resulting in commission of aforesaid offence.

6. Perused the case papers relied upon by the learned Additional Public Prosecutor. The offence alleged is with regard to lifting of food grain stock in absence of any valid authorisation by the retailers named in the F.I.R. Proceedings

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for restoration of authorisation are stated to be pending before statutory Authorities. Considering the contents of the F.I.R., no overtact has been attributed to the applicant herein. The applicant is presently serving as Tahsildar at Nanded, which is a different place from the place where the alleged offence was said to be committed. In this backdrop, I do not find any reason to deny the applicant necessary protection.

7. Considering these facts, I am inclined to confirm ad-interim order granted by this Court on 25th October, 2016 by imposing some additional conditions. In view of aforesaid, following order is passed :

i. In the event of her arrest in Crime No.0104 of 2016, registered with Pimpalner Police Station, Dist. Beed, for the offences punishable under sections 420, 465, 468 read with section 34 of the Indian Penal Code, under sections 3 & 7 of the Essential Commodities Act and under sections 12 & 13 of the Prevention of Corruption Act, applicant – Jyoti d/o.

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Rajaram Pawar, be released on bail on executing P.R. Bond of Rs.15,000/(Rupees Fifteen Thousand) and on furnishing surety in like amount.

ii. 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 to the Court.

iii. The applicant shall not tamper the evidence of the prosecution.

iv. The applicant shall attend concerned police station as and when reasonably called for the purpose of investigation and cooperate the investigator.

v. The applicant shall not enter the jurisdiction of Beed district, till filing of the charge-sheet.

8. Criminal Application stands allowed in above terms.

(A.S. CHANDURKAR, J.)