

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 108 OF 2016

Mr. Chandrakant S. Shinde ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Rahul Kadam for the Applicant

Mrs. Veera Shinde, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 21, 2016.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.50 of 2013 registered at Vella Police Station, Pune for offences punishable under Section 409, 201 of the Indian Penal Code.

2. The allegations against the applicant in brief are that in the year 2013, he had misappropriated the amount of Rs.9000/- which was given to him by the complainant Kiran Naik. Pursuant to the FIR dated 2.10.2015 lodged by said Kiran Naik, the afore stated crime has been registered. Apprehending his arrest in the said crime,

the application had filed an application for bail before the Sessions Court. The said application was dismissed by the Addl. Sessions Judge by order dated 19.12.2015. Hence the present application.

3. Heard Shri Kadam, the learned counsel for the applicant and the learned APP for the State. I have perused the records and considered the submissions advanced by the counsel for the respective parties. The FIR prima facie indicates that the complainant Kiran Naik had paid a sum of Rs.9000/- to the applicant on 18.2.2013 for taking measurement of the land and that the said amount was deposited in the bank on 20.5.2013. The complainant therefore alleged that the applicant herein had retained the said amount with him for period of three months and had thereby misappropriated the said amount.

4. The records prima facie reveal that a disciplinary action was initiated against the applicant in respect of the said act and the applicant has been exonerated from service. Further it can be seen that the complaint which is lodged in the year 2015 relates to the incident of 2013. The above facts would not justify custodial interrogation of the applicant. Furthermore, the applicant is a permanent resident of Pune and there is no possibility of the

applicant absconding or thwarting course of justice. The applicant has no criminal antecedents.

5. In the above facts and circumstances, the applicant is entitled for anticipatory bail, on the following terms and conditions:

- i) In the event of arrest of the applicant in Crime No.50 of 2013 registered at Vella Police Station, Pune, the applicant be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned JMFC, Vella, Pune.
- ii) The applicant shall report to the Investigating Officer for four days between 10 a.m. to 1.p.m. and further as when required by the Investigating Officer for the purpose of investigation and interrogation.
- iii) Till filing of the chargehsett, the applicant shall not leave Pune District, without prior permission of the JMFC, Vella.

(ANUJA PRABHUDESSAI, J.)