

*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1569 OF 2016

Kishor Vitthal Patil & Anr Vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr M.G. Kocharekar, for the applicants.
Ms N.S.Jain, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 29th August, 2016

P.C.

1) This is an application under section 439 of the Code of Criminal Procedure, 1973 by the applicants for bail in C.R. No. I-57/2016 registered with Padgha Police Station, Thane (Rural) under sections 420, 465, 467, 468, 471, 474, 406, read with section 34 of the Indian Penal Code.

2) The first information report dated 19/3/2016 is lodged by Shri Uttam S. Andhale, the Assistant Engineer, (Water Supply) Sub-Division, Bhiwandi, District Thane. It is stated in the first information report that the applicants are the Members of Gram Panchayat, Dabhad and are also the Chairman and Secretary respectively of the Committee, formed by the said

Gram Panchayat for the work of water supply. It is the case of the prosecution that the office of the first informant revealed during the course of inspection that an amount of Rs.41,33,406/- was spent more than what was necessary for the work of water supply and therefore it was inferred that the said amount was defalcated by the applicants in connivance with co-accused persons. In the first information report, itself, it is stated that an amount of Rs.41,33,406/- has been deposited in cash in the account of the said Committee i.e. water supply committee of Gram Panchayat, Dabhad and the person who deposited the said amount was not known. In the premise, the first information report is lodged.

3) The learned counsel for the applicants submitted that after reading the first information report, it is apparent that the Government did not suffer any loss and at the most, if any loss at all is suffered, the same is negligible. He further submitted that the applicants are arrested on 10/6/2016. They were custodially interrogated and now are remanded to judicial custody. He submitted that the investigation pertaining to the present crime is solely based on the documents. That the further detention of the applicants in jail is no more warranted.

He further submitted that there are no antecedents at the discredit of the applicants and prayed that the applicants may be released on bail.

4) After reading of the first information report and the other documents annexed to the present application, I find substance in the contention of the learned counsel for the applicants. The applicants were arrested on 10/6/2016, custodially interrogated and now have been remanded to judicial custody. There are no antecedents at the discredit of the applicants.

In view of the above, the applicants have made out a case for their release on bail.

Hence, the following order :

ORDER:-

- (a) The applicants shall be released on bail in CR No. I-57 of 2016 registered with Padgha Police Station, Thane (Rural) on their furnishing PR. bond of Rs.25,000/- each with one or two separate solvent local sureties in the like amount;
- (b) After their release from jail, the applicants shall attend the Investigating Officer as and when called for between 1:00 a.m. to 1:00 p.m. till the filing of the charge-sheet;
- (c) The applicants shall also attend each and

every date before the trial Court;

(d) Any two consecutive defaults in complying with the aforesaid conditions shall attract the provisions of Section 439 (2) of the Cr.PC;

(e) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)