

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 75 OF 2016

(ABHAY CHANDRASHEKHAR MANDAOGADE...VS..STATE OF MAH. THR. PSO PS MAHAGAON, DIST.
YAVATMAL)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : APRIL 05, 2016.

Heard Shri K.B.Ambilwade, advocate for the applicant and Shri N.S.Khubalkar, A.P.P. for the non-applicant.

The applicant apprehends arrest in the crime registered against him for the offence punishable under Sections 409 and 34 of the Indian Penal Code on the accusations that the amount collected by him from the agriculturists towards premium of crop insurance has not been deposited by him with the concerned bank and he has misappropriated the amount and used it for his own benefit. According to the prosecution, there is complaint on behalf of seven agriculturists and the amount collected by the applicant is Rs.7,138/-.

The facts on record show that the father of the applicant was working with the Bank at the relevant time and because of shortage of staff, he had asked the applicant (son) to help him in collecting the amount from the agriculturists. Shri Chandrashekhhar Mandaogade (father of the applicant) is co-accused and this Court has granted him pre-arrest bail by the order dated 20th November, 2012.

The application is opposed on the ground that the custody of the applicant is required to obtain sample of his handwriting and to interrogate the applicant on the point of collection of amount from other agriculturists.

Considering the nature of accusations against the applicant and the facts on record in my view, the applicant is entitled for pre-arrest bail, however, on certain conditions.

Hence, the following order :

- i) In the event of arrest in Crime No. 217 of 2012, registered by the non-applicant, the applicant be released on bail on furnishing P.R. bond for Rs.Ten Thousand and one solvent surety in the like amount.
- ii) Till the charge-sheet is filed, the applicant shall attend Police Station, Mahagaon, District : Yavatmal on every Sunday between 11.00 a.m. and 1.00 p.m. and whenever summoned by the Investigating Officer.

The application is allowed in the above terms.

CRI.APPLN. (APPP) NO. 155/2016.

In view of disposal of main application, the instant application seeking *ad-interim* pre-arrest bail does not survive, hence it is disposed of.

JUDGE