

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

CRIMINAL APPLICATION (ABA) NO.135/2016

Shri Hukumchand S/o Kejaji Bataghare

..Versus..

State of Maharashtra, through the Police Station Officer, Police Station, Patan, Distt.
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.

DATE : 23.3.2016

Heard Shri R.D. Bhuibhar, advocate for the applicant and
Shri A.D. Sonak, A.P.P. for the non-applicant.

The applicant is seeking pre-arrest bail apprehending arrest
in crime registered against him for the offence punishable under
Section 409, 477-A read with 34 of the Indian Penal Code.

According to the non-applicant, the applicant has
misappropriated the amount of Rs.49,000/- in 2011 showing that it
is utilized for levelling the play ground. The applicant was working
as Gramsevak at that time. The applicant has retired on 31st
December, 2013. The complaint about the alleged

misappropriation is filed by the Block Development Officer, Panchayat Samiti on 8th February, 2016.

The learned A.P.P. has submitted that the custody of applicant is required to seize/recover the original documents showing the details of expenditure of amount.

In my view, the reasons given for seeking custody of applicant cannot be accepted inasmuch as the original documents may be with the office of Panchayat Samiti. It is not the case of the Investigating Officer that he has tried to seize the documents from the office of Panchayat Samiti and the documents are not found in the office of Panchayat Samiti.

Considering the facts on the record and as the non-applicant has not been able to show that the custody of applicant is required for further investigation, in my view, the interim order granted by this Court on 10th March, 2016 is required to be confirmed, however, on certain conditions.

(i) In the event of arrest of applicant in Crime No.14/2016 registered by the non-applicant, the applicant be released on bail on furnishing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand Only) and one solvent surety in the like amount.

(ii) The applicant shall attend the police station Patan, District

Yavatmal on 2nd April, 2016 and 9th April, 2016 between 11 a.m. to 1 p.m.

(iii) The application is allowed in the above terms.

JUDGE

Tambaskar.