

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

Criminal Application (ABA) No. 206 of 2016

Smt. Sonali Klyend Williams vrs. State of Maharashtra

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

Court's or Judge's orders

Shri Anil Mardikar, Senior Counsel for applicant.
Shri S. J. Kadu, APP for respondent-State.

Coram : S. B. Shukre, J

Dated : October 26, 2016

Criminal Application No. 559/2016

Heard learned Senior counsel for the applicant and learned APP for State, who is assisted by Shri Dangre, learned Advocate for the applicant.

For the reasons stated in this application, the application is allowed. Permission is granted to assist the prosecution.

Application is disposed of accordingly.

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After hearing this matter, learned Senior Counsel seeks leave of the Court to withdraw the application of Applicant No.1 with liberty to be given to her to surrender herself before the concerned Court on or before 2nd November, 2016 with continuation of interim protection, till that time.

Leave with liberty, as prayed for, is granted.
Interim protection given to the Applicant No.1 by this

Court on 4th April, 2016 is continued till Applicant No.1 surrenders herself before the concerned Court or till 2nd November, 2016, whichever is earlier.

As regards Applicant No.2, learned Senior Counsel submits that, at this stage, there is no material available on record, on the basis of which, it could be said or at least suspicion could be reasonably raised about his prima facie involvement.

The learned APP for the State along with learned counsel for the complainant, has stated that since the Applicant No.2 was the Incharge of the recovery department and Applicant No.1 was working under him, it was his responsibility to ensure that all the amounts received should be reflected in the entries taken by Applicant No.1 in the public record.

So far as the responsibility of the Applicant No.2 to oversee the working of Applicant No.1 is concerned, there is no dispute. But, failure to discharge the responsibility, by itself, in my opinion, would not result in drawing of, prima facie, inference that the Applicant No.2 was also sharing the same intention as Applicant No.1 in misappropriating the amount. Besides, as submitted by Senior Counsel, Applicant No.2 has recently recovered from a paralytic stroke and is still recovering.

In these circumstances, I am of the view that application of Applicant No.2 deserves to be allowed.

In the circumstances, application of Applicant No.1 is disposed of in terms of what is observed earlier and application of Applicant No.2 stands allowed.

It is directed that interim anticipatory bail granted to the Applicant No.2 on 4th April, 2016 stands confirmed on the conditions that Applicant No.2 shall attend the Police Station twice in a week i.e. on Wednesday and Friday of every week for a period of two weeks starting from 2nd November, 2016 between 11.00 a.m. and 1.00 p.m. and also as and when required by the Investigating Officer.

Hamdast granted.

Application stands disposed of accordingly.

JUDGE

Choulwar