

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

Criminal Application [ABA] No.568 of 2016

(Kishor Shriramji Balinge

vs.

The State of Maharashtra, through Officer Incharge, P.S. Chandur Bazar, Distt. Amravati)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

Shri Harish Dangre, Advocate for the Applicant.

Shri S.A. Ashirgade, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 19th OCTOBER, 2016.

Heard the learned Counsel for the applicant and
the learned A.P.P. for the State.

Perused the case diary. The basis of the
allegations indicating commission of the offences registered in
the present crime against the applicant and others is that this
applicant did not properly scrutinize the applications received
from the beneficiaries seeking to avail benefits of loan waiver
scheme. It is not the allegation against this applicant that the
applicant, apart from, neglecting to perform his duty, also
committed certain acts, which amounted to commission of
offences. Such being the foundation of the case, as against
this applicant, the consideration of the whole scheme becomes
necessary.

Upon consideration of this scheme as reflected in the Circular of Department of Co-operation, dated 10/09/2015, it is seen that the duty assigned to this applicant is of only receiving the applications, forwarding the applications received and forwarding some other information received by him to either Talathi or the Auditor for appropriate scrutiny at their levels. It is also seen from the scheme that the applicant, being a Member of Taluka Level Committee, had another duty and it was the duty of compiling information received from different sources, giving his remarks regarding eligibility for grant of loan waiver and forwarding the same to the District Level Committee, where a further scrutiny was expected to be done. In short, as per the scheme, the duty assigned to the applicant was almost akin to that of the postman. Such being the nature of duty of the applicant and the allegations made against the applicant not going beyond the scope of his duty, I am of the view that the applicant would be entitled to be granted confirmed anticipatory bail. Hence, the order.

The application is allowed and the interim anticipatory bail granted to the applicants on 31st August, 2016 is hereby confirmed on the same conditions.

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of the original signed order.

Uploaded by : S.D. Waghmare,
P.A. to the Hon'ble Judge.

Uploaded on : 20/10/2016