

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

CRIMINAL APPLICATION (BA) NO.958 OF 2016
(Yashwant Eknath Bhure vs. State of Maharashtra)

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

Shri R.P. Joshi, Advocate for applicant.

Shri S.A. Ashirgade, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 23, 2016

This application is filed for bail by accused involved in Crime No.455/2016 for the offences punishable under Sections 409, 468, 471, 477(A) read with Section 34 of Indian Penal Code registered on the basis of report lodged by Senior Manager, Maharashtra State Warehousing Corporation, Nagpur contending huge misappropriation by applicant in his capacity as Store Keeper to the extent of lakhs of rupees along with co-accused Pankaj Jagdale, who at the material time was working as Centre In-charge.

Shri Joshi, learned Counsel for applicant, submits that applicant was arrested on 3/10/2016 and was in P.C.R. till 10/10/2016 and was then taken into M.C.R. By referring to remand report, it is contended that during aforesaid period, applicant was thoroughly interrogated and his handwriting specimen was also obtained and necessary Government records were also seized. It is, therefore, submitted that there is no

purpose in putting applicant behind bar till trial, more particularly when he was never In-charge of either of Grains Store in Warehouses, which were directly under the control of Centre In-charge and one Pankaj Jagdale was working in that capacity, who is on interim anticipatory bail.

Shri Ashirgade, learned Additional Public Prosecutor for respondent, has opposed the application on the ground that according to statements of witnesses, applicant was also looking after accounts and on fabricating documents, had caused monetary loss to Warehousing Corporation, due to which wheat and rice approximately valued at Rs.50 lakhs were found less as against the stock shown in the Warehouse.

Though the case of prosecution is considered as aforesaid, it is seen from the documents filed with application that co-accused Pankaj Jagdale was Centre In-charge of Warehouse and on 14/1/2016 one Suresh Gajbhiye was posted at his place at the Warehouse at Bramhapuri and Wadsa and as such, Pankaj Jagdale was required to hand over charge. In spite of that, he failed to hand over the charge and thus, on 7/5/2016 came to be suspended from his service and thereafter Suresh Gajbhiye assumed charge. In the circumstances as aforesaid and since prima facie it is noted that Centre In-charge was primarily responsible to take care of Government properties stored in Government Warehouse and as according to remand notes, it is noted that applicant was remanded to M.C.R. as his further custody was not required for the purpose of investigation,

applicant is found entitled for bail as per order below :

The applicant shall be released on bail on his executing P.R. bond in the sum of Rs.15,000/- with one surety in like amount. He shall mark his attendance in Police Station, Bramhapuri on 15th day of each moth till filing of charge-sheet and thereafter quarterly, i.e. on first day of every quarter pending trial.

The criminal application is disposed of.

JUDGE

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