

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.134 OF 2017

Pandhari s/o Mahajan Pavale,
Age : 51 yrs, Occu. Service,
R/o Kinwat, Ta. Kinwat,
Dist. Nanded

..APPLICANT

VERSUS

1. The State of Maharashtra,
2. The Police Sub-Inspector,
Mandvi police station,
Ta. Kinwat, Dist. Nanded

..RESPONDENTS

Ms Pratibha Bharad , Advocate for applicant;
Mr S.M. Ganachari, Addl. Public Prosecutor for respondents

CORAM : N.W. SAMBRE, J.

DATE : 31st January, 2017

ORAL ORDER

Heard.

2. By the present application under Section 438 of the Code of Criminal Procedure, the applicant, a Gramsevak – public servant, seeks his release on bail, in connection with C.R. No.49 of 2016, registered with Mandvi police station, Taluka Kinwat, Dist. Nanded, for offences punishable under Sections 420, 409, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3. The defalcation as has been alleged against the present applicant and co-accused is to the tune of Rs.8,00,000/-, out of which it is claimed

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that the applicant has deposited an amount of Rs.4,50,000/- with the Investigating Officer which is seized in this crime.

4. It is required to be noted that the applicant being a public servant is very much available for investigation and prosecution. The misappropriated amount, to a major extent, is already secured.

5. In view thereof, in my opinion, custodial interrogation of the applicant is not warranted. Criminal Application, therefore, needs to be allowed. Hence, following order :-

In the event of arrest of the applicant, in connection with C.R. No.49 of 2016, registered with Mandvi police station, Taluka Kinwat, Dist. Nanded, for offences punishable under Sections 420, 409, 467, 468, 471 read with Section 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.25,000/- with one or two sureties for the like amount.

The applicants shall attend the Investigating Officer on 8th and 9th February, 2017, between 10.00 a.m. and 12 noon and thereafter as and when called.

The applicant shall not take any steps to influence the prosecution witnesses or tamper with evidence.

(3)

The applicant shall not engage in similar type of offence.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj