

(1)

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

CRIMINAL APPLICATION NO. 139 OF 2017

Bajrang s/o Hanmant Jadhav
Age : 61 years, Occu. Retired,
R/o 323, Babar Colony,
Karanje Peth, Satara-415 001 ..APPLICANT

VERSUS

The State of Maharashtra,
Through its Police Inspector,
Chalisgaon, Police Station,
Tq. Chalisgaon, Dist. Jalgaon ..RESPONDENT

Mr A. G. Choudhari, Advocate for applicant;
Mr A. D. Namde, Addl. Public Prosecutor for respondent

CORAM : N. W. SAMBRE, J.

DATE : 15th February, 2017

ORAL ORDER

Heard.

2. By this application under Section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.231 of 2015, registered with Chalisgaon Police Station, Tq. Chalisgaon, Dist. Jalgaon, for offences punishable under Sections 408, 409, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3. Learned Counsel appearing on behalf of the applicant invited my attention to the scheme dated 30th July, 2004 for Rural Employment Generation Programme Margin Money Scheme 2004-05 floated by the Maharashtra Rajya Khadi Gramodyog Mandal.

(2)

4. From the aforesaid scheme, it could be noticed that margin money was required to be deposited by the persons who were availing the loan facility with the Bank and the margin money amount was to be invested in a fixed deposit, which was not to carry any interest and the same was to be adjusted in the last installment of the loan amount. It is the case of the prosecution that of the total beneficiaries, three have not deposited the margin money and remaining have re-deposited the same after the offence came to be registered.

5. So far as the claim of the applicant for grant of pre-arrest bail is concerned, the applicant is shown to be an Accountant/Auditor of the Khadi Gramodyog Mandal.

6. From the aforesaid scheme, there is hardly any material to infer that the applicant was vested any authority to check the deposit of margin money under the scheme with the bank from whom the loan facility was availed by the beneficiaries.

7. All the accused, who are employees of Khadi Gramodyog Mandal are already ordered to be released on pre-arrest bail.

8. In view thereof, the application succeeds. I, therefore, pass following order :-

(3)

In the event of arrest of the applicant, in connection with C.R. No. 231 of 2015, registered with Chalisgaon Police Station, Tq. Chalisgaon, Dist. Jalgaon, for offences punishable under Sections 408, 409, 420, 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 in the like amount.

The applicant shall attend the Investigating Officer on 17th and 18th February, 2017, between 10.00 a.m. and 12 noon and thereafter as and when directed.

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

The applicant shall co-operate in the investigation and shall also not protract the trial and shall attend the court proceedings regularly.

Any default on the part of the applicant would entail the Court below taking up the trial, to proceed for cancellation of bail.

Criminal Application stands allowed in above terms.

(N. W. SAMBRE, J.)

amj