

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

CRIMINAL APPLICATION NO. 2494 OF 2017

1. Nandabai w/o Murlidhar Rathod ... **Applicants**
Age 40 Years, Occu: Household,
R/o Sankrala Tq. Jintur,
Dist. Parbhani
2. Murlidhar s/o Banshi Rathod,
Age 44 years, Occu: Agri.
R/o As above.

VERSUS

The State of Maharashtra ... **Respondent**
Through Police Inspector,
Police Station, Bamni,
Taluka Jintur Dist. Parbhani

Mr. S. S. Thombre , Advocate for the applicants
Mr. K. N. Lokhande, APP for the State.

WITH

CRIMINAL APPLICATION NO. 2397 OF 2017

Sitaram s/o Bhagwanrao Gorkar ... **Applicant**
Age 51 years, Occu: Service as
a Gramsevak, R/o Sambhaji
Nagar, Jintur, Tq. Jintur, Dist.
Parbhani

VERSUS

The State of Maharashtra ... **Respondent**
Through Police Inspector,
Police Station, Bamni,
Taluka Jintur Dist. Parbhani

Mr. Sunil B. Jadhav , Advocate for the applicant
Mr. K. N. Lokhande, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 12th June, 2017

ORDER:

1. Heard Mr. Thombre, the learned counsel for the applicants in Criminal Application No. 2494/2017, Mr. Jadhav, learned counsel for the applicant in Criminal Application No. 2397/2017 and Mr. Lokhande, the learned APP for the State in both the applications.

2. Mr. Thombre, the learned counsel for the applicants in Criminal Application No. 2494/2017 submits that during the pendency of the application, Applicant No.1 Nandabai who is wife of applicant No.2 was arrested and released on bail. Hence Criminal Application No.2494/2017 to the extent of applicant No.1 is disposed of as infructuous.

3. Allegations against the applicants are that they have misappropriated an amount of Rs.1,18,268/-. Therefore, non-bailable offence came to be registered against them bearing Crime No.27/2017 with Police Station, Bamni, Taluka Jintur Dist. Parbhani for the offence punishable under sections 420, 409, 468, 471, read with section

34 of the Indian Penal Code, 1860.

4. Applicant No.1 Sarpanch, who is supposed to sign the documents, was already arrested by the Police. From the record, it is seen that during pendency of Application under Section 438 Cr. P. C., the applicant in Criminal Application No. 2397/2017, who is Gramsevak, was granted interim bail and while granting interim protection, I have already observed that the applicant has handed over all the relevant record to the Investigating Officer and nothing remains with the applicant. Thus, from the record, it reveals that the concerned papers, documents in reference to the present crime were already seized by the Investigating Officer.

5. Considering the nature of accusations, I do not think that custodial interrogation of the applicants is needed. Hence Application of Applicant No.2 in Criminal Application No. 2494/2017 and application of the applicant in Criminal Application No. 2397/2017 are allowed.

6. In the event of arrest of Applicant No.2

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Murlidhar in Criminal Application No. 2494/2017 and
applicant Sitaram in Criminal Application No.
2397/2017 in connection with Crime No.27/2017
registered with Police Station, Bamni, Taluka Jintur
Dist. Parbhani, they shall be released on bail on
their executing P.R. Bond of Rs. 25,000/- [Rs.
Twenty five thousand only] each, with one solvent
surety in the like amount.

7. Applicants shall not tamper with the
prosecution evidence in any manner and shall
cooperate in the further investigation, if any.

8. Criminal applications disposed of.

(K. L. WADANE, J.)

JPC