

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2448 OF 2017

Sachin s/o Suresh Kadile ... **Applicant**
Age 32 years, Occu: Service,
R/o Jakhangaon, Tq. & Disit.
Ahmednagar.

VERSUS

The State of Maharashtra ... Respondent
Through Kotwali Police Station,
Ahmednagar Tq. & Dist. Ahmednagar

Mr. Santosh S. Jadhavar, Advocate for the applicant
Mr. P. N. Kutti, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 12th June, 2017

ORDER:

1. Heard Mr. Jadhavar, learned counsel for the applicant and Mr. Kutti, the learned APP for the State.

2. Present applicant was serving as a Postal Assistant. During the period from 04.07.2015 to 19.01.2016, the Applicant/accused had restarted certain closed recurring accounts and deposited the amounts in those account using software of Post office by name Sanchay Post Software. He has misused the software and misappropriated an amount of Rs.5,09,849/-. On the basis of information given by informant, offence came to be registered against the applicant/accused being Crime No.I-186/2017 with Kotwali Police Station,

District Ahmednagar for the offences punishable under sections 409, 467, 468, 471 of the Indian Penal Code.

3. Mr. Jadhavar, the learned counsel for the applicant submits that during the course of investigation, the accused was arrested on 19.04.2017. He was remanded to PCR till 24.04.2017. By referring to the contents of the FIR, the learned counsel further submits that the applicant has deposited the entire amount allegedly misappropriated, before registration of the FIR.

4. Learned APP opposes the bail application on the ground that if the accused is released on bail, he will tamper with the evidence of prosecution. The learned APP submits that the applicant has misused the public fund and investigation is in progress.

5. From the record, it is seen that the applicant has deposited the alleged amount of misappropriation, total Rs. 5,09,949/- on 02.05.2016 and 03.05.2016. The applicant was in Police custody and he was available for interrogation. Considering the nature of accusations against the applicant and the fact that applicant has deposited the amount allegedly misappropriated, I am of the opinion that he is

entitled for bail. Hence the bail application is allowed.

6. The applicant shall be released on bail on his furnishing personal bond of Rs.25,000/-(Rupees twenty five thousand) with one solvent surety of like amount.

7. The applicant shall cooperate the Investigating Officer in further investigation and shall attend the police station as and when required for the purpose of investigation.

8. The applicant shall not tamper with prosecution evidence in any manner.

9. Criminal application is disposed of.

(K. L. WADANE, J.)

JPC