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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2399 OF 2017

Varsha Mahesh Mangire

... Applicant

V/s.

The State of Maharashtra

... Respondent

Smt. Savita Prabhune for Applicant.

Mr. S.R. Agarkar, APP for the Respondent/State.

Mr. Rajendra S. Chaudhari, A.P.I., EOW, Solapur present.

CORAM : A.S.GADKARI, J.

DATE : 8th NOVEMBER 2017

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.272 of 2017 dated 13.6.2017 registered with Barshi Police Station District- Solapur (Rural) under Sections 409, 406, 420, 465, 467, 468, 471, 447 r/w r/w 34 of the Indian Penal Code.

2] It is the prosecution case that, the Auditor appointed to conduct an audit pertaining to the Agricultural Produce Marketing Committee, Barshi (for short 'APMC, Barshi') has submitted its report under Rule 116 (6) of the Maharashtra Agricultural Produce Marketing (Development and

Regulation) Rules, 1967, holding that, there is defalcation of Rs.1,05,00,000/- (Rupees One Crore and Five Lakhs) in the accounts of the said Marketing Committee and therefore the present crime is registered by Shri Vishnu Doke, Special Auditor (Class-I), Solapur on 13.6.2017 against 125 accused persons.

3] Perused the record of investigation. The applicant was working as a temporary employee with the said Marketing Committee. During the course of investigation, the applicant came to be arrested on 30.8.2017 and since then she is in jail. The record is silent about the arrest and/or through interrogation of principal accused Nos.1 to 19 and the prosecution is unable to answer about it. It is astonishing to note here that, the record reveals that the accused Nos.1 to 19 who were/are the Chairman and Committee Members of the said Marketing Committee have not been arrested, least to say, even not thoroughly interrotated by the police as those are political heavy weights from the said region. The first information report itself states that, from accused Nos.95 to 125 were the temporary employees appointed by the Committee.

It prima facie appears that though the applicant has played no active role in the present crime, she has been kept in custody since 30th

August 2017 and the Trial Court has also without taking into consideration the said vital aspect, has rejected the application for bail of the applicant.

4] In view of the above, this Court is of the view that further incarceration of the applicant is not necessary and the applicant deserves to be released on bail forthwith.

Hence, the following Order:

(i) The applicant be released on bail in CR No.272 of 2017 registered with Barshi Police Station District- Solapur (Rural), on her furnishing PR bond of Rs.10,000/- with one or two local sureties in the like amount.

(ii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5] Application is allowed in the aforesaid terms.

All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)