

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (ABA) NO.527/2017**

Hafizulla Khan S/o Noorull Khan

..Vs..

State of Maharashtra, through Police Station Officer, Police Station, Patur, Tq.  
Patur, Distt. Akola

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Shri A.B. Mirza, Adv. for the applicant.  
Shri N.R. Patil, A.P.P. for the non-applicant / State.

**CORAM : Z.A.HAQ, J.**

**DATE : 24.7.2017.**

Heard.

Apprehending arrest in connection with Crime No.141/2017 registered against the applicant for the offence punishable under Sections 420, 468 and 471 read with Section 34 of the Indian Penal Code, the applicant has sought pre-arrest bail.

The crime is registered on the complaint lodged by Principal of Industrial Training Institute that the applicant has made a false claim in respect of terminal benefits (leave encashment), knowing fully well that he is not entitled for the amount claimed by him.

The facts on record show that the applicant has retired on 31<sup>st</sup> October, 2000 on attaining the age of superannuation. The applicant was denied the benefit of re-fixation of pay and, therefore, he approached the

Maharashtra Administrative Tribunal vide Original Application No.67/2016 which is allowed by the Tribunal by the order passed on 14<sup>th</sup> December, 2016. The Tribunal has directed the employer to pay interest at the rate of 8% per annum from 17<sup>th</sup> August, 2013 till the payment is made to the applicant. The Tribunal has directed that the amount of interest be calculated under each head on each count on the enhanced amount after the re-fixation. The complaint is filed on 15<sup>th</sup> June, 2017. There is nothing on record to show that the applicant is paid any amount in excess than his claim. *Prima facie*, it appears that the complaint is lodged with vindictive attitude after the applicant succeeded before the Maharashtra Administrative Tribunal.

The non-applicant has not been able to point out that custody of applicant is required for investigation. The applicant, aged about 74 years, has successfully completed the tenure of his service and has stated that he is not involved in any other crime / offence.

In the facts of the case, following order is passed:

In the event of arrest in connection with Crime No.141/2017 registered by the non-applicant, the applicant be released on bail on executing P.R. bond for Rs.1,000/- (Rs. One Thousand)

The learned A.P.P. has submitted that the applicant be directed to attend the police station, if summoned.

The claim of the complainant and the

investigating agency is based on the documents which are in custody of the Principal of the Institution i.e. complainant and it is not pointed out that attendance of the applicant is required for further investigation. Hence, in my view, the applicant is not required to attend the police station, if summoned. However, the applicant shall attend the proceedings before the Court, if charge-sheet is filed.

The application is **allowed** in the above terms.

JUDGE

*Tambaskar.*