

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

CRI. APPLICATION (ABA) NO. 541 OF 2017

(SABA KURRACULAIN SAYED AKHALAQUE & OTH.....VS.. STATE OF MAH.THR.P.S.O., PS
WADGAON ROAD, YAVATMAL)

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

Court's or Judge's orders

Shri N.B.Bargat, Advocate for Applicants.
Shri M.J.Khan, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : AUGUST 03, 2017.

Heard.

Apprehending arrest in connection with Crime No.0706 of 2017 registered by the non-applicant for the offence punishable under Sections 406, 420, 471 read with Section 34 of the Indian Penal Code, the applicants seek pre-arrest bail.

The accusations against the applicants are that they being the members of the society have claimed amount under Dr. Zakir Hussain Madarsa Modernization Scheme for modernization of Madarsas, though Madarsas are not existing.

Even according to the non-applicant, the amount is disbursed by the District Planning Committee. It is obvious that the District Planning Committee is required to make appropriate inquiries and determine the amount which should be disbursed to a particular Madarsa for its modernization. The submission that Madarsas are not in existence still the applicants have claimed the amount for

modernization of Madarsa *prima-facie* cannot be accepted as the Investigating Agency has not pointed out that any action is taken against the members of the District Planning Committee who are responsible for disbursement of the amount.

The applicants have stated that they are not involved in any other crime/ offence. The non-applicant has not been able to point out that custody of the applicants is required for investigation.

Considering the facts of the case and accusations against the applicants, the order passed by this Court on 27th July, 2017 granting protection to the applicants is confirmed.

The application is **allowed** accordingly.

JUDGE

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