

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.552/2017

Shri Agyansingh Thamsingh Jathave ..vs.. State of Maharashtra through
PSO P. S. Bittargaon, Tq. Umarched, Dist. Yavatmal.

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

Court's or Judge's orders.

Mr. R. J. Shinde, Advocate for applicant.
Mrs. K. Deshpande, A.P.P. for non applicant.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 10, 2017

Heard Mr. Shinde, the learned counsel for the applicant and Mrs. Deshpande, learned A.P.P. for the non applicant-State.

By this application, the applicant is seeking bail in anticipation since he is apprehending his arrest in connection of Crime No.76/2017 registered with Police Station, Bittargaon for an offence punishable under Sections 420, 465, 466, 467, 471 read with Section 34 of the Indian Penal Code.

The FIR came to be lodged on 28.05.2017 by Santosh Dakhore, Extension Officer of Panchayat Samiti, Umarched. The sum and substance of the FIR is that the present applicant along with other co-accused including the beneficiaries of the scheme of the State Government in respect of the Rural Employment have caused loss to the State exchequer. According to the FIR, one Ramsingh

Sable and Vijaysingh Sable were granted the benefits of the scheme for renovation of the well in the year 2015. Similarly, one Madhavsingh was granted benefits under the scheme in the year 2016 for construction of the new well. A complaint was received from one Prakash Talamwar that the public servants in connivance with the beneficiaries have caused loss to the State exchequer.

As per the FIR, insofar as the present applicant Agyansingh is concerned, he was Rozgar Sevak at the relevant time and though he was expected to verify but without verifying the same, caused loss of Rs.78,624/- towards the wages of the unskilled labours.

From the reply and after hearing of the learned A.P.P., it is clear that none of the documents relating to the present crime are in the custody and possession of the present applicant. As per the reply, the custodial presence of the present applicant is required to ascertain how much amount he has illegally derived from the scheme.

Looking to the nature of the accusations made against the present applicant and considering the fact that the present applicant is not having custody of the relevant documents pertaining to and concerning with the present crime in question, in my view, the applicant can be released on bail in anticipation with certain conditions. Hence, following order is passed.

ORDER

- (i) Criminal Application No.552/2017 is allowed.
- (ii) The applicant-Agyansingh Thansingh Jathave, in the event of his arrest in connection with Crime No.76/2017 registered with Police Station, Bittargaon for an offence punishable under Sections 420, 465, 466, 467, 471 read with Section 34 of the Indian Penal Code, be released on bail on he executing PR Bond in the sum of Rs.10,000/- with one surety in the like amount.
- (iii) Till the charge-sheet is filed in the Court, the applicant shall attend Police Station, Bittargaon on third Saturday and Sunday of every month between 3.00 p.m. to 5.00 p.m. and shall extend his full cooperation to the investigating officer.
- (iv) The applicant shall not tamper with the evidence and also shall not influence the prosecution witnesses.
- (iv) The applicant shall deposit Rs.50,000/- within a period two weeks from today in the Court of Judicial Magistrate First Class, Umarkhed. The said amount shall be accepted by the Nazir of the said Court towards *Muddemal* property in the present Crime No.76/2017.
- (v) The applicant shall not be entitled to apply for withdrawal of the said amount on any count till culmination of the trial.

(vi) The amount so deposited shall be invested in any Nationalized Bank so as to avoid loss of interest to the State exchequer.

(vii) After culmination of the trial, the learned Magistrate shall decide the issue of the said *Muddemal* property in accordance with law.

The application stands disposed of.

JUDGE