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

BAIL APPLICATION NO. 401 OF 2017

Siddiqui Mohd. Faisal Mohd. Jamaluddin

... Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Amin Solkar for applicant.
Mr. Ameet Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 25th JANUARY 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 71 of 2016 dated 4.10.2016 registered with Vikramgad Police Station, District-Palghar, under Sections 420, 467, 409, 177, 120(B) of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] It is the prosecution case in brief that the Government of India provided finance to the State of Maharashtra who in turn under the

supervision of Public Works Department, Government of Maharashtra was to execute the work of construction of a Community Hall at village Khuded, Ghodichapada, Taluka Jawar, District Palghar under the scheme floated by Adivasi Development Project Authority, Jawar, District Palghar. That, an amount of approximately Rs.10 lakhs was sanctioned for the said project. That, the first informant who is Project Officer attached with the said Adivasi Development Project Authority visited the site of construction of the community hall and found that said Community Hall was not in existence, however, the grant allotted for the said project has been utilised and/or used by the concerned. The first information report, therefore is lodged on 04.10.2016. There are in all five accused persons named in first information report.

4] Applicant (accused No.5) is the Contractor in the present crime. It is the allegation against the applicant that, despite accepting the amount approved for construction of the said Community Hall, he did not construct it and when the Project Officer of the Adivasi Development Project Authority visited the site, it was noticed that the said Community Hall is not in existence and thus he has defalcated the amount.

5] The record further indicates that the Executive Engineer (Construction), Zilha Parishad, Palghar subsequently on 01.10.2016 inspected the site along with other Government Officers and found that the said Community Hall has been constructed at village Khuded, Ghodichapada, Taluka Vikramgad and the quality of the construction is good. During the course of investigation, the applicant was arrested on 11.10.2016.

6] As noted earlier, the record further indicates that though belatedly the said Community Hall has been constructed by Accused No.5 Siddhiqui Mohd. Faisal Mohd. Jamaluddin and the report pertaining to its completion of work and quality of construction has been submitted by the Executive Engineer, Zilha Parishad, Palghar.

7] After taking into consideration the aforestated facts and the fact that the applicant is in jail since 11.10.2016 and since the investigation of the present crime is completed and the police have submitted chargesheet, this Court is of the view that the applicant can be released on bail.

Hence, the following Order:

(i) The applicant be released on bail in CR No. 71 of 2016 registered with Vikramgad Police Station, District-Palghar on his

furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from jail, the applicant shall attend the concerned Police Station on every 1st Monday of the month between 10.00 a.m to 1.00 p.m till the conclusion of trial.

(iii) Any two consecutive defaults shall attract the provisions of cancellation of bail.

(iv) Applicant shall also attend all the dates before the Trial Court.

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

8] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)