

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

CRIMINAL APPLICATION (BA) NO.98 OF 2019

(Shrikant Dharmaji Kamble Vs. The State of Maharashtra thr. PSO PS Darwaha, Tq.
Darwaha, Dist. Yavatmal)

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

Court's or Judge's orders.

Shri Syed Shahid, Advocate for Applicant.
Shri V.P. Gangane, APP for Non-Applciant/State.

CORAM: M.G. GIRATKAR, J.

DATE: 5th MARCH, 2019.

Heard Advocate Shri Syed Shahid for the applicant.

He has submitted that applicant is in jail since 09.07.2018. He has pointed out order dated 22.11.2018 passed by Additional Sessions Judge, Darwaha. Learned Advocate has submitted that specific direction was given to decide the case within two months. Even after the direction of Additional Sessions Judge, Darwaha, the trial Court has not decided the case. Learned Advocate has submitted that the applicant has not played any role. Therefore, he is entitled for bail.

Learned APP Shri Gangane has pointed out statement of witnesses and submitted that the farmers have not received any amount of loan. Disbursements are shown in their account. In all total amount of Rs.11,87,641/- is misappropriated by the present applicant.

Learned APP has submitted that investigation is not complete and therefore, the case cannot be decided without further investigation. The application is liable to be rejected.

Learned Advocate for the applicant has pointed out order passed by Additional Sessions Judge, Darwha which reads as under:

Application stands rejected.

Learned trial Court is directed to expedite the trial and to dispose of the case within two months by day-to-day hearing, failing which the accused/applicant is at liberty to make fresh application for bail.

Learned counsel for the applicant has fairly submitted that he has not approached to the trial Court or Sessions Court after passing order dated 22.11.2018.

The applicant could have filed application for bail before the Sessions Judge, Darwha itself. As per the submission of learned APP the investigation is not complete. It is for the trial Court and Additional Sessions Judge to decide the case whether investigation is complete or not. From the perusal of statement of Shri Rathod, the Branch Manager of Branch Nathuwadi, Darwha, it appears that many farmers refunded the loan. Fresh loans were not given to them. Even though amounts are shown outstanding. The applicant is involved in economic offence. The total amount of Rs.11,87,641/- is misappropriated by the applicant/accused as per the contention of prosecution. In such situation, the applicant is not entitled for bail.

In the result, the application is rejected.

JUDGE

NSN