

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

CRIMINAL APPLICATION (ABA) NO.545/2019

Shri Arun Laxman Motghare and another .Vs. State of Maharashtra, through
PSO P.S. Adyal, Tah. Pauni, Dist. Bhandara.

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

Court's or Judge's orders.

Mr. S.P. Dharmadhikari, Senior Advocate with Mr. U.P.
Dable, Advocate for applicant.
Mr. S.S. Doifode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : SEPTEMBER 27, 2019

Heard Mr.Dharmadhikari, learned Senior Advocate for applicant and Mr. Doifode, learned Additional Public Prosecutor for non applicant-State. Also perused reply filed on behalf of the State.

The applicants who are husband and wife are apprehending their arrest in connection with Crime No.127/2019 registered with Police Station, Adyal, Tah. Pauni, Dist. Bhandara for an offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code.

The learned counsel for the applicant invited my attention to the order passed by this Court (Coram: Manish Pitale, J.) on 06.08.2019. Perusal of the said order would reveal that after the communication of Project Officer of Integrated Tribal Development Project, Bhandara dated 02.07.2019, whereby the applicants were directed to deposit

the entire amount within a period of two days. The entire amount alleged to have been misappropriated by present applicants were deposited with the Government Treasury through cheques and the said cheques were encashed. By the said order, the interim protection was granted in favour of the present applicants considering the aforesaid fact with a condition that applicants shall attend the police station and shall hand over entire record and extend cooperation with the investigating officer.

It is the submission of the learned Senior Advocate that in pursuance to the order dated 06.08.2019 the applicants have joined investigation and handed over all documents. This submission is not disputed by the learned Additional Public Prosecutor on the instructions from the investigating officer.

In view of the aforesaid, I see no reason not to confirm the order passed by this Court on earlier occasion. Consequently, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.127/2019 registered with Police Station, Adyal, Tah. Pauni, Dist. Bhandara for an offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code, applicant no.1 – Arun Laxman Motghare and applicant no.2 – Sujata w/o Arun Motghare be released on bail on they executing P.R. Bond in the sum of Rs.25,000/- each, with one solvent surety each in the like amount.

(iii) Applicant No.1 is directed to attend Police Station, Adyal, Tah. Pauni, Dist. Bhandara once in a week i.e. on every Sunday and shall remain with the investigating officer between 03:00 p.m. to 05:00 p.m till filing of charge-sheet.

The application is disposed of.

JUDGE

srwagh