

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

CRIMINAL APPLICATION (ABA) NO. 693 OF 2019

Gangadhar s/o Wamanrao Patil and another.Vs. State of
Maharashtra,through P.S.O, P.S. Ramnagar, Tah. and Dist. Wardha.

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

Court's or Judge's orders.

Mr. P.S. Kadam, Advocate for applicants.

Mr. S.M. Ghodeswar, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.

DATED : OCTOBER 22, 2019

Heard Mr.Kadam, learned counsel for the applicants. Mr. Ghodeswar, learned Additional Public Prosecutor for the State. Also perused the reply filed on behalf of the State.

The applicants are apprehending their arrest in connection with Crime No.401/2019 registered with Police Station, Ramnagar, Dist. Wardha for an offence punishable under Section 406 of the Indian Penal Code.

According to the prosecution case, applicant no.1 who is retired Assistant Commissioner of Police and applicant no.2 who is retired Assistant Sub Inspector, were the office bearers of Association For Welfare Of The Retired Police Officers and its headquarters is at Thane and donations collected by the association for the benefits of the retired police officers were misappropriation by the present applicants.

This Court on 11.10.2019 granted interim relief in favour of the applicants with a direction that the applicants shall deposit Rs.1,60,000/- before this Court which is misappropriation amount on or before 18.10.2019. Learned counsel for the applicant submitted that Rs.1,60,000/- has deposited by drawing cheque in the name of Registrar, High Court of Bombay, Bench at Nagpur as it could be seen from pursis stamp no.5242/2019.

The applicants have also attended the Police Station, Ramnagar, Wardha from 15.10.2019 to 17.10.2019 as directed by this Court.

Reply would show that all documents are already seized by the investigating officer and are in possession.

In view of the aforesaid, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.401/2019 registered with Police Station, Ramnagar, Dist. Wardha for an offence punishable under Section 406 of the Indian Penal Code, applicant no.1–Gangadhar s/o Wamanrao Patil and applicant no.2 – Ganpat s/o Raghobaji Metkar, 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) Applicants are directed to attend Police Station, Ramnagar, Dist. Wardha as and when directed by the investigating officer till filling of the charge-sheet.

(iv) The amount so deposited by the applicants shall be transferred in the Court of the learned Chief Judicial Magistrate, Wardha. The said amount shall be treated as Muddemal of Crime No.401/2019 registered with Police Station, Ramnagar, Dist. Wardha.

(v) The learned Chief Judicial Magistrate, Wardha after receipt of the said amount shall invest the same with any nationalized bank initially for a period of three years and shall continue to renew the same as and when occasion arrive.

(vi) During the pendency of trial neither applicants nor anybody will be entitled to file an application before any Court for withdrawal of said muddemal amount.

(vii) The learned Magistrate before whom trial will be conducted, it shall be open for the said learned Magistrate to pass an appropriate order for disposal of muddemal after the trial is over.

The application is disposed of.

JUDGE

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