

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

CRIMINAL APPLICATION (ABA) NO. 678 OF 2019

Ashok Rajeshwar Janve .Vs. State of Maharashtra, through PSO P.S.
Durgapur, Tah. and Dist. Chandrapur.

AND

CRIMINAL APPLICATION (ABA) NO. 704 OF 2019

Manish Indramohan Chandok .Vs. State of Maharashtra, through PSO P.S.
Durgapur, Tah. and Dist. Chandrapur.

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

Court's or Judge's orders.

Mr.S.V.Sirpurkar, Advocate for applicant in ABA No.678/19.
Mr.A.A.Dhawas, Advocate for applicant in ABA No.704/19.
Mr. N.B. Jawade, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 07, 2019

Both these two applications for anticipatory bail can be disposed of by this common order since both the applicants are apprehending their arrest in connection with Crime No.325/2019 registered with Police Station, Durgapur, Tah. and Dist. Chandrapur for an offence punishable under Sections 409, 420, 468, 475 read with Section 34 of the Indian Penal Code.

Heard Mr. Sirpurkar, learned counsel for applicant in Criminal Application (ABA)No.678/2019 and Mr. Dhawas, learned counsel for applicant in Criminal Application (ABA) No.704/2019 and Mr. Jawade, learned Additional Public Prosecutor for non applicant-State in both the applications. Also perused the reply filed on behalf of the State.

The offence is registered with Police Station, Durgapur Tahsil by Gulab Kushwah, Sub Area Manager of Western Coalfields Ltd.

Applicant Ashok Janve in ABA No.678/2019 is a Senior Cashier whereas applicant Manish Chandok in ABA No.704/2019 is a Data Entry Operator in the office of Western Coalfields Limited.

According to the prosecution case under Coal Mine Provident Fund Scheme the amount was deducted from the salaries of the employees and said amount has to be deposited with the Provident Fund Authority. The allegations against the applicants are that they fabricated the documents and instead of depositing the amount, they misappropriated the amount of Rs.3,39,868/-.

It is submitted that applicant Ashok Janve has deposited amount of Rs.7,02,848/- before this Court vide Demand Draft No.510979 dated 15.10.2019 as it could be seen from Pursis stamp No.5223/2019. Similarly, applicant Manish Chandok has deposited amount of Rs.2,81,270/- before this Court by Demand Draft as it could be seen from Pursis stamp No.5325/2019.

In view of the order passed by this Court the applicants have already joined the investigation by attending the police station. According to the learned Additional Public Prosecutor for non applicant- State, all the documents are already seized by the investigating agency. The applicants are the employees of Western Coalfields Limited. Therefore there is no chance that they will not be available for the

course of justice. In that view of the matter, I pass the following order :

ORDER

(i) Both the applications i.e. Criminal Application (ABA) No.678/2019 and Criminal Application (ABA) No.704/2019 are allowed.

(ii) Applicant - Ashok Rajeshwar Janve in Criminal Application (ABA) No.678/2019 and applicant Manish Indramohan Chandok in Criminal Application (ABA) No.704/2019 in the event of their arrest in connection with Crime No.325/2019 registered with Police Station, Durgapur Tah. and Dist. Chandrapur for an offence punishable under Sections 409, 420, 468, 471 read with Section 34 of the Indian Penal Code, 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) The applicants are directed to attend Police Station, Durgapur Tah. and Dist. Chandrapur twice a week i.e. on every Tuesday and Thursday and shall be with the investigating officer from 11:00 a.m. to 05:00 p.m. till filing of the charge-sheet.

(iv) After filing of the charge-sheet the applicants shall attend Police Station, Durgapur, Tah. and Dist. Chandrapur once in a month i.e. on third Monday of every month and shall be with the investigating officer from 03:00 a.m. to 05:00 p.m. till culmination of the trial.

(v) The Registrar (Judicial) is directed to transfer the amount deposited before this Court by both the applicants to

the Court of Chief Judicial Magistrate, Chandrapur.

(vi) The learned Chief Judicial Magistrate, Chandrapur is directed to treat this amount as *Muddemal* of Crime No.325/2019.

(vii) The learned Chief Judicial Magistrate, Chandrapur shall invest this amount in any nationalized bank initially for a period of three years and shall continue to do said exercise as and when occasion arises.

(viii) The applicants will not be entitled to file any application for withdrawal of this amount before any Court until trial is completed nor any Court shall permit the applicants to withdraw the said amount on any count.

(ix) After disposal of the criminal case the learned Judge of the Court below shall pass appropriate order for disposal of the *Muddemal* property.

(x) With this, the criminal applications are disposed of.

JUDGE

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