

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

CRIMINAL APPLICATION (BA) NO. 1125 OF 2020

(Shri Ramchandra s/o Ajabrao Takalkhede vs. State of Maharashtra thr. Officer-in-charge,
Sakkardara PS, Nagpur)

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

Court's or Judge's orders.

Shri Harish Dangre, Advocate for the applicant.
Shri H.D. Dubey, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 11, 2020.

Heard Shri Dangre, learned counsel for
the applicant and Shri Dubey, learned APP for the
non-applicant – State.

2. The applicant is seeking bail in Crime No. 451 of 2020 dated 29.09.2020 for the offence punishable under Sections 403, 406, 409 of the Indian Penal Code registered by Sakkardara Police Station, Nagpur.

3. The applicant was in Police department. During the period between 2012 to 2017, he was given charge of Muddemal room at Sakkardara Police Station, Nagpur, wherein various properties i.e. gold and other valuable articles were stored. It is alleged that at the time of applicant's retirement in the year

2017, while handing over the charge of Muddemal room, some irregularities and misappropriation of valuable muddemal was noticed. Consequently, crime came to be registered against the applicant. During investigation, it was revealed that during the tenure of the present applicant, while his holding charge of muddemal room, the purity of some gold articles was decreased to the extent of three carats, which is estimated at Rs.15,68,650/-. Intentional irregularities in maintaining the muddemal records was also noticed. The alleged offence is said to have been committed in a span of 10 to 15 years.

4. Perused the application, affidavit-in-reply filed on behalf of the non-applicant – State and the charge sheet, with the assistance of both the counsel.

5. Now, the investigation is completed and the charge sheet is also filed. The aforesaid irregularities and misappropriation of the valuable muddemal came to be noticed only a day before his retirement. It is very surprising that for 10 to 15 years, there was no inspection from the department and the misappropriation or irregularities could not be pointed out earlier. The applicant being retired from government service, there is least chance of his absconding.

6. Furthermore, it is difficult to digest the allegation in the nature of decrease in the purity of the gold i.e. to the extent of three carat at the hands of the applicant. It is a matter of trial which would certainly take a long time.

7. In the circumstances, at this stage, this court is inclined to grant bail to the applicant.

8. In view of the above, criminal application is allowed on the following conditions :

(i) The applicant – Ramchandra s/o Ajabrao Takalkhede shall be released on bail on executing Personal Bond of Rs.25,000/- (Rs. Twenty five thousand only) with one surety in the like amount.

(ii) The applicant shall not tamper with the evidence.

(iii) The applicant shall not pressurize the prosecution witnesses.

(iv) The applicant shall attend the Police Station once in a month on every first Thursday of the month between 11.00 AM to 1.00 PM.

9. Needless to mention that the observations made in this order are only for deciding the present application for bail, the trial Court shall not get influenced by the same and it shall be free to decide the matter on its own merits.

JUDGE

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