

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

Criminal Application (BA) 589/2021

Milind Ghogare and another V State of Maharashtra thr PSO PS Hudkeshwar ,
 District Nagpur

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr. K.N. Shukul, Advocate for applicants.
 Ms T.H. Udeshi, APP for State.

CORAM : ROHIT B. DEO, J.
DATE : August, 17, 2021.

A submission is made by the learned Additional Public Prosecutor Ms Udeshi, on instructions received by the Deputy Commissioner of Police (EOW) Shri V.V. Masala who is personally present pursuant a request made by this Court that on revisiting the issue, that the complaint dated 16-08-2019 did disclose a cognizable offence. The learned Additional Public Prosecutor however states, that there was nothing deliberate much less *mala fide* in not registering the offence immediately. The statement made is accepted. Nothing further, is therefore required to be said or done pursuant to the order dated 11-08-2021.

2. Insofar as the merits of the matter, this Court (Coram- Smt. Pushpa V. Ganediwala, J.), vide order dated 17-08-2020 in Criminal Application (BA) 169 of 2020, was pleased to grant bail to the applicant in connection with the crime which

is registered on the basis of audit report for the years 2014-2017.

3. I have perused the reasons recorded by the learned Judge, and for similar reasons, the applicants have made out a case for grant of bail.

4. The investigation is complete and the chargesheet is filed and the entire case rests on documentary evidence, which is in possession of the investigating agency.

5. No purpose will be served by continuing the incarceration.

6. This application is allowed subject to the following conditions:-

- (i) The applicant 1- Milind s/o Narayan Ghogare and applicant 2-Tejas s/o Yasaji Kohok be released on bail on executing Personal Bond of Rs. 1,00,000/- (Rs. One lakh only) each with one or two sureties in the like amount.
- (ii) The applicants shall not dispose of the valuable properties owned by themselves or their families.

- (iii) The applicants shall not leave their local jurisdiction without prior intimation to the concerned police station.
- (iv) The applicants shall not give threats to the witnesses or tamper with the evidence.
- (v) The applicants to attend the concerned police station once in a month i.e. on every first Thursday of the month between 12.00 noon and 2.00 p.m.
- (vi) The applicants to deposit their passports, if they are having, with the concerned police station.

JUDGE