

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.167 OF 2022

RAMESH S/O SHYAMRAO BHOGAL
VERSUS
THE STATE OF MAHARASHTRA

...

WITH
ANTICIPATORY BAIL APPLICATION NO.145 OF 2022

SATISH S/O BABURAO RAUT
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. S. J. Salunke, Advocate for applicant in ABA/167/2022.
Mr. S. S. Rathi, Advocate for applicant in ABA/145/2022.
Mr. A. M. Phule, APP for the respondent – State in both the cases.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 04.03.2022

ORDER :-

. The applicants in both the applications apprehend their arrest in connection with Crime No.676 of 2021 registered with Nanalpeth Police Station, Dist. Parbhani for the offences punishable under Sections 409, 420 of Indian Penal Code.

2. Heard learned Advocate Mr. S. J. Salunke for the applicant in ABA No.167 of 2022, learned Advocate Mr. S. S. Rathi for the applicant in ABA No.145 of 2022 and learned APP Mr. A. M. Phule for the

respondent – State in both the cases. In order to cut short, it can be said that all of them have made submissions in support of their respective contentions.

3. It will not be out of place to mention here that when the matter was on board on 14.02.2022, voluntary statement was made on behalf of both the applicants that they would deposit amount of Rs.9,57,167/- and Rs.2,10,700/- respectively in the Municipal Corporation, Parbhani on or before 02.03.2022. Today, statement is made and affidavits have been filed by the respective applicants that they have deposited those amounts on 02.03.2022. This fact is taken into consideration.

4. Perusal of the FIR would show that it has been lodged by In-charge, Additional Commissioner, Municipal Corporation, Mr. Shivaji Sarnaik alleging that both the applicants, who were on contract basis earlier and then assigned with a job of collecting tax since 2014, had not deposited the entire amount and the tax receipts book to the Corporation. It was then stated that the applicant - Ramesh Bhogal has committed misappropriation and cheating to the tune of Rs.2,10,700/- and applicant - Satish Raut has cheated the Municipal Corporation and misappropriated Rs.9,57,167/-. It is to be noted that the offence is stated to have been committed since 01.01.2014 and the FIR has been

lodged on 23.12.2021. There appears to be apparent delay and since now the amount has been paid/deposited in the Municipal Corporation, physical custody of the applicants may not be required for the purpose of further investigation. The ad-interim protection granted earlier by this Court in both the cases vide order dated 14.02.2022 deserves to be confirmed. Hence, the following order :-

ORDER

- I) Both the applications stand allowed.
- II) The ad-interim protection granted earlier by this Court in both the cases vide order dated 14.02.2022 stands confirmed and made absolute. In other words, in the event of arrest of the applicant in ABA No.167 of 2022 - Ramesh Shyamrao Bhogal and applicant in ABA No.145 of 2022 -Satish Baburao Raut in connection with Crime No.676 of 2021 registered with Nanalpeth Police Station, Dist. Parbhani for the offences punishable under Sections 409, 420 of Indian Penal Code, they be released on P. R. Bond of Rs.50,000/- with two solvent sureties of Rs.25,000/- each, if not already released.
- III) The applicants shall not tamper with the evidence of the prosecution in any manner.

IV) The applicants shall remain present before the Investigating Officer on every Sunday between 10.00 a.m. to 2.00 p.m. till filing of charge-sheet.

V) They shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI, J.]

scm