

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.561 OF 2022

Nazir Ahmed s/o. Husansab Tamboli ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr.A.R.Rathod, Advocate for applicant
Mr.V.S.Badakh, APP for respondent

CORAM : R.G. AVACHAT, J.

DATE : JULY 19, 2022

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0118 of 2021 registered with Malakoli Police Station, Tq. Loha, Dist.Nanded.

2. Heard learned counsel appearing for the parties.

3. The applicant is Headmaster of a school. He is alleged to have misappropriated a sum of Rs.25,84,200/-. The amount misappropriated by the applicant pertains to salary of an employee, E.M.Is. of the employees of school towards of repayment of loan of co-operative credit society, L.I.C. premium, nutrition programme money, etc.

4. Learned counsel for the applicant offered to deposit the amount involved in the crime, under protest.

5. Learned APP, therefore, may not have any objection to grant bail, if the entire amount is deposited by the applicant. The applicant has been behind the bars since 18.11.2021.

6. In view of the above, this Court is inclined to grant the applicant bail on certain conditions. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0118 of 2021 registered with Malakoli Police Station, Tq. Loha, Dist. Nanded, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall deposit an amount of Rs.25,84,200/- with the trial Court, within a period of six weeks from the date of this order. One-fourth thereof be deposited within a period of one week, as a condition precedent for release of the applicant on bail. If the entire amount i.e. Rs.25,84,200/-, is not deposited within the time frame of six weeks, the order granting bail to the applicant, shall stand automatically cancelled.

(iv) It is made clear that the applicant may also be liable to civil consequences and disciplinary action, if any.

(v) The applicant shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

KBP