

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

**911 ANTICIPATORY BAIL APPLICATION
NO.599 OF 2022**

**GANESH RADHAKISAN PACHLORE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent / State : Mr. S.B. Narawade
...

**CORAM : S. G. MEHARE, J.
DATE : JULY 15, 2022**

PER COURT :

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. The learned Counsel for the applicant would submit that it has been alleged against the applicant that he has misappropriated the amount of Rs.2,47,344/- by creating four fake vouchers. He has transferred the said amount in his and his wife's bank account. The allegations levelled against the applicant are misconceived by the investigating agency. In fact, the labourers to whom the payment was to be made had no bank account. Hence, to facilitate them the amount was transferred in his bank account and subsequently the payment was made to the labourers. Therefore, no offence is committed by him.

3. The learned Counsel for the applicant has placed on record the photographs of the applicant showing his health. He argued that the applicant is suffering from mucormycosis and paralysis. Now jaw transplantation is also proposed. He may not be able to face interrogation. Even without admitting the allegations he shows his *bona fide* and he is ready to deposit the amount of Rs.2,47,344/- with his office. Hence, the applicant may be released on bail.

4. The learned APP argued that the offence committed by the applicant is serious. He has not only misappropriated the amount, but also forged the documents. Hence, his application may be rejected.

5. Apparently, the allegations levelled against the applicant are serious. The Enquiry Officer concluded that the amount of Rs.2,47,344/- has been misappropriated by the applicant. Be that as it may, for the police custody a person should be in good health. Unfortunately the applicant is suffering from various diseases and he is not in a condition to face the interrogation in person. However, he has shown the *bona fide* to deposit the alleged amount. In the peculiar circumstances, this Court has to consider the application sympathetically and grant him anticipatory bail by accepting the proposal to deposit the alleged amount. Hence, the following order :

(i) Application is allowed.

(ii) In the event of the arrest, the applicant namely Ganesh Radhakisan Pachlore be released on bail in Crime No.124 of 2022, registered with Karmad Police Station, Dist.Aurangabad for the offences punishable under Sections 420, 409, 464, 465, 468 and 471 of the Indian Penal Code and Sections 13 (1)(A), 13 (2) of Anti Corruption Act, on furnishing P.B. and S.B. of Rs.20,000/- (Rupees Twenty Thousand Only), with one solvent surety of the like amount, on the following conditions :

- (a) He shall not tamper with the prosecution witnesses.
- (b) He shall deposit the amount of Rs.2,47,344/- with his office within two weeks.

[S. G. MEHARE]
JUDGE