

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

BAIL APPLICATION NO. 777 OF 2022

Dadarao Ram Koli ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. S. S. Gangakhedkar, Advocate for applicant

Mr. S. P. Sonpawale, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 27th JULY, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0188/2022, registered with Omerga Police Station, District Osmanabad, for the offences punishable under Sections 420, 409, 465, 468, 471 read with 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

As per the case of the prosecution, the applicant was serving as a Post Master. The agent, who would collect the amount

under the Recurring Deposits (R.D.) scheme had handed over the amount to the applicant herein. Instead of crediting the same to the account of the respective depositors, the applicant allegedly misappropriated a sum of Rs.4,20,000/-.

3. It is informed that, on investigation, the charge-sheet has been filed. The applicant, on his own, has offered to deposit/pay the amount allegedly misappropriated by him.

4. There is a development that took place yesterday. When the applicant had offered to deposit this much amount, a remand report dated 25.04.2022 was adverted to. It is stated therein that some more amount has been misappropriated by the applicant. If at all some more amount is said to have been misappropriated by the applicant, the same can very well be recovered from his service benefits.

5. The applicant is ready to deposit a sum of Rs.4,20,000/-. It will take time for commencement and conclusion of trial. The application is therefore allowed. Hence, following order:

ORDER

(i) The Bail Application is allowed.

- (ii) The applicant be released on bail in connection with Crime No.0188/2022, registered with Omerga Police Station, District Osmanabad, for the offences punishable under Sections 420, 409, 465, 468, 471 read with 34 of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall deposit a sum of Rs.4,20,000/-. 1/4th amount thereof, be deposited within a week from the date of this order as a condition precedent for release on bail and balance amount be deposited within three weeks. The amount shall be deposited with the trial Court.
- (iv) If the complainant moves any application for receipt of the amount that would be deposited by the applicant herein, the trial Court shall pay the same to the informant for being credited to the accounts of the concerned depositors on conditions to be imposed by the trial Court.
- (v) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]