

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 ANTICIPATORY BAIL APPLICATION NO.792 OF 2022

DHANAJI SAUDAGAR MORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

ANTICIPATORY BAIL APPLICATION NO.851 OF 2022

MILIND VITTHALRAO SABNE
VERSUS
THE STATE OF MAHARASHTRA

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Advocates for Applicants : Mr. Savangikar Subhash K.,
Mr. Telgaonkar U. L. respectively.
APP for Respondents-State : Mr. S. B. Narwade.

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CORAM : S. G. MEHARE, J.
DATE : 30.08.2022

PER COURT :-

1. Heard the learned counsels for the applicants and learned APP for the respondents-State.

2. The facts of the case were that the alleged incident happened in the year 2010 to 2015. The applicant Dhanaji Saudagar More was the Gram Sevak. He was transferred. Therefore, he was handed over charge to his successor. However, suddenly the complainant claiming to be a Social Worker filed an application under Section 156(3) of the Cr.P.C.

and the learned Magistrate was pleased to direct the Investigating Officer to register the crime and the offence has been registered against the applicants.

3. Learned counsel for the applicants would submit that the department had made the inquiry and directed the applicants to pay the amount of Rs.26,210/-. That amount is recovered. The complaint was filed out of the political vengeance. Nothing is to be recovered from the applicants. Hence, the applications may be allowed.

4. Learned APP has strongly opposed the applications contending that the serious offence has been committed by the applicants. Previously also the complaint was filed but no cognizance was taken by the police. The Investigating Officer wanted to find out whether somebody else is involved in the crime.

5. Perused the papers. The departmental inquiry was conducted against the applicants and the recovery was directed against them. The incident is of the year 2010 to 2015. The inquiry must have been based upon the papers. Therefore, nothing is to be recovered from the applicants. Therefore,

applications deserve to be allowed. Hence, the following order:

ORDER

- (i) Both the applications are allowed.
- (ii) The interim protection granted to the applicant Dhanaji Saudagar More by the order dated 30.06.2022 and the applicant Milind Vitthalrao Sabne by the order dated 11.07.2022 stand confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

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vmk/-