

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

BAIL APPLICATION NO. 1334 OF 2022

Avinash Chandrabhan Hiwale	... Applicant
Versus	
The State of Maharashtra	... Respondent

**WITH
BAIL APPLICATION NO. 1331 OF 2022**

Dipak Ramesh Pathare	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. N. B. Narwade, Advocate for applicant in BA/1334/2022
Mr. S. S. Thombre, Advocate for applicant in BA/1331/2022
Mr. V. S. Badakh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 04th OCTOBER, 2022

PER COURT :-

. These are the applications for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0544/2022, registered at Newasa Police Station, District Ahmednagar, for the offences punishable under Sections 408, 409, 420, 465, 467, 468, 471, 473, 477-A, 484 of the Indian Penal Code.

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

3. The FIR has been lodged by the Tahsildar in his official capacity on 25.06.2022. It was a Government scheme to compensate the farmers who have suffered loss due to natural calamities. A sum of Rs.16,14,784/- was being distributed to the concerned farmers by cheques. The applicant Avinash serving as a Kotwal. The cheques issued by the Tahsildar, were to be deposited by the applicant Avinash, Kotwal, with the concerned bank. While he was handed over the concerned cheques, he manipulated therewith by interpolation and addition of figures and thereby swelled the original figures/amount, for which the cheques were issued.

The applicant Dipak was serving as an agent at the Tahsil office. It is the case of the prosecution that he was hands in glove with the applicant Avinash and both of them have tampered with the concerned cheques and caused heavy monetary loss to the State exchequer and excess amount was shown to have been paid to the concerned farmers, which in turn, was shared by the present applicants. The total of such amount is Rs.16,14,784/-.

4. It is informed that the entire amount has now been deposited by the applicant Avinash. The learned APP submits that during further investigation, the amount is likely to be swelled, but there is no support for his submissions since the entire amount involved in the crime has been paid back by the applicant Avinash. The Court is therefore inclined to grant them bail. Hence, following order:

ORDER

- (i) The Bail Applications are allowed.
- (ii) The applicants be released on bail in connection with Crime No.0544/2022, registered at Newasa Police Station, District Ahmednagar, for the offences punishable under Sections 408, 409, 420, 465, 467, 468, 471, 473, 477-A, 484 of the Indian Penal Code, on their executing P. R. bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) each with surety bond each of the like amount.
- (iii) The applicants shall mark their presence with the concerned Police Station once in a week i.e. on every Sunday by 12.00 noon, for the next six months.
- (iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]