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

ANTICIPATORY BAIL APPLICATION NO.1183 OF 2022

SHAHADEO RAMBHAU POKALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent/State : Mr. V.M. Kagne

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**CORAM : S.G. MEHARE, J.
DATED : 22nd SEPTEMBER, 2022**

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The crime has been registered against the applicant and co-accused for the offence punishable under Section 409, 420, 467, 468, 471, 477 r/w 34 of the Indian Penal Code. The applicant was the Member Secretary of Police Subsidiary Canteen. He was to supervise the business of the canteen. The accused no.1 was the full time officer appointed to look after the business of the canteen which was for the welfare of the police. Some misappropriation was found; hence, an Inquiry Committee of senior officers was appointed. They have made the inquiry in detail and thereafter, the present FIR is registered. The contents of the FIR appears to have been based on the report of the Inquiring Committee. The FIR reveals that the allegations against the applicant are that he did not properly

supervise the business of the canteen and he ought to have not appointed accused no.1.

3. Learned counsel for the applicant has vehemently argued that except the allegations of failure to supervise, there are no other serious allegations against the applicant. The Inquiring Committee report is silent about the exact role played by the applicant. There is no iota of evidence that the applicant is the beneficiary of the misappropriated amount. Referring the FIR, he has vehemently argued that the entire allegations revolve around the co-accused R.G. Jakulwar. The applicant was not the full time honorary Secretary of the Subsidiary Canteen. Nothing is to be recovered from the applicant.

4. Learned APP has argued that during the inquiry before the Inquiring Committee, the co-accused has stated that the applicant used to take articles without paying price. However, he could not point out the material against the applicant that he had a share in the misappropriated amount.

5. Perusal of the report reveals that bare allegations against the applicant are that he failed to supervise the duties of the co-accused. The report of the Inquiring Committee is also not concrete that the applicant was the beneficiary or the shareholder in the alleged misappropriated amount. Considering the position of the applicant and his duty as well as the allegations levelled against him,

this Court is of the view that no purpose would be served if the custodial interrogation of the applicant is allowed. Hence, the following order:

ORDER

(A) Application is allowed.

(B) In the event of arrest, the applicant, Shahadeo s/o Rambhau Pokale be released on anticipatory bail, on executing P.B. and S.B. of Rs.25,000/- (Twenty Five Thousand) with one solvent surety in the like amount in Crime No.193 of 2022, registered with Vazirabad Police Station, District Nanded for the offence punishable under Sections 409, 420, 467, 468, 471, 477 r/w 34 of the Indian Penal Code, on the condition that he shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)