

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.259 OF 2022

Rajesh S/o Sharadrao Rebhankar

Versus

State of Maharashtra, through P.S.O., P.S. Sindewahi, Tq. Sindewahi, Dist.
Chandrapur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.S. Girdekar, Advocate for the applicant.

Ms M.A. Barabde, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 20/06/2022

1. The applicant is seeking bail in Crime No.04 of 2020, dated 04.01.2020, registered with Police Station Sindewahi, District: Chandrapur, for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

2. Shri Girdekar, learned counsel for the applicant submits that in this case, after the departmental inquiry was conducted, the applicant was dismissed from service and alleged defalcated amount has been recovered from the service benefits of the applicant.

3. It is submitted that the applicant is in jail since 04.01.2020 and custody of the applicant is not necessary, as

after completion of investigation, the charge-sheet has been filed.

4. It is further submitted that till date, there is no substantive progress in the trial though, the charge is framed. Accordingly, he prays for grant of bail.

5. On the other hand, Ms M.A. Barabde, learned APP strongly opposes the present application.

6. I have perused the charge-sheet, from where, it can be seen that the allegations are of defalcation of amount which is already recovered from the service benefits of the applicant, after he has been dismissed from the service on conclusion of departmental inquiry conducted against the applicant. The applicant is in jail since last more than one and half years and as there is no substantive progress in the trial. I am of the opinion that in the above referred backdrop, the applicant shall be released on bail.

7. Moreover, there is nothing to show that there is any possibility the applicant would pressurize the prosecution witnesses or tamper with the prosecution evidence or he will not be available for the trial, if bail is granted. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.

- b) It is directed that the applicant shall be released on bail in Crime No. 04 of 2020, registered with Police Station Sindewahi, District: Chandrapur, for the offences punishable under Sections 409 and 420 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]