

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

CRIMINAL APPLICATION (BA) NO. 647 OF 2022

Mahendra s/o Damodar Raut **Versus** State of Maharashtra, through P.S.O., Tq. Mangrulpir, District Washim.

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

Court's or Judge's Order

Ms P.N. Lakhani, Advocate for the applicant.

Shri V.A.Thakre, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 14/07/2022.

1. The applicant is seeking bail in connection with Crime No. 1041/2021, registered with Police Station Mangrulpir, District Washim, for the offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860.

2. Ms P.N. Lakhani, learned advocate appearing for the applicant submits that in this case the prosecution has not made out offence against the applicant. She, therefore, submits that the applicant has been falsely implicated in the alleged offence.

3. She further pointed out that, after completion of investigation, the charge-sheet has been filed by the Police and as such further custody of the applicant is no more required. Accordingly, she prays for grant of bail.

4. On the other hand, Shri V.A.Thakre, learned APP strongly opposed the present application and submits that, there are ample materials collected by the Investigating

Officer during the investigation, which connect to the applicant with the alleged offence. Accordingly, he prays for rejection of the present application.

5. I have perused the Charge-sheet, Application and the Reply filed by the State.

6. There are allegations of misappropriation of amount by the applicant to the tune of Rs. 14 Lakhs and odd. In this case, the investigation is completed and the charge-sheet has been filed.

7. Thus, considering the allegations made in the FIR and the material collected by the investigating officer, I am of the opinion that further custody of the applicant is not necessary. As far as the apprehension of the learned APP that, if the applicant is released on bail, he may not be available for trial, it can be addressed by putting some stringent conditions. Accordingly, I pass the following order.

- i) The criminal application is **allowed**.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No. 1041/2021, registered with Police Station Mangrulpir, District Washim, for the offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860 on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount.

iii) The applicant shall not pressurize the prosecution witnesses or tamper with the prosecution evidence.

iv) The applicant shall attend the concerned Police Station on 1st and 16th day of each month between 10.00 a.m. to 12.00 noon, till culmination of trial.

v) The State is at liberty to move application for cancellation of bail, in case of breach of any conditions.

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

[ANIL S. KILOR, J.]