

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

Criminal Application (BA) No.676/2022

Ajay Botare V State of Maharashtra thr PSO PS Pombhurna, Chandrapur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mrs. M.S. Joshi, Advocate for applicant.
Mrs. Mrunal Barabde, APP for State.

CORAM : ANIL S. KILOR, J.
DATE : 05-07-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0025/2022 dated 21-03-2022 registered with Police Station Pombhurna, District Chandrapur for the offence punishable under Section 420 of the Indian Penal Code.

2. The learned Counsel for the applicant submits that though the name of the applicant does not feature in the First Information Report, he has been arraigned as accused. The learned Counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence.

3. She further points out that the prosecution has already seized the amount to the tune of Rs. 22,93,300/- and 1349 quintals paddy at the instance of the present applicant.

4. She further points out that the applicant is in jail from 09-05-2022, hence, considering the fact that the substantive amount is recovered, further custody of the applicant is not required.

5. She further submits that the co-accused has already been granted bail. Accordingly, she also prays for grant of bail on parity.

6. On the other hand, learned APP strongly opposed the application and submitted that looking at the role of the applicant as Assistant Manager of the A.P.M.C. he may not be granted bail.

7. I have perused the case diary and the First Information Report.

8. The learned trial Court while rejecting the application of the applicant for grant of bail specifically observed that on 09-05-2022 amount of Rs. 22,93,300/- and 1349 quintals of paddy came to be seized by the Police at the instance of the applicant.

9. The applicant is the Assistant Manager of the A.P.M.C. and considering the allegations made in the FIR, I am of the opinion that no further custody of the applicant is required in this case.

10. The applicant is in jail from 09-05-2022 and as the further custody of the applicant is not necessary, I am of the opinion that the applicant can be granted bail. Hence, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.0025/2022 dated 21-03-2022 registered with Police Station Pombhurna, District Chandrapur for the offence punishable under Section 420 of the Indian Penal Code, be released on bail on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- iii) The applicant shall attend the concerned Police Station on first day and 16th day of every month between 10.00 am to 12.00 noon, till the culmination of trial.

(Anil S. Kilor, J.)