

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

CRIMINAL APPLICATION (BA) NO. 933 OF 2022

Bhumeshwar Chintaman Bhisen **Versus** State of Maharashtra, through PSO.,
P.S. Goregaon, Dist. Gondia.

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

Court's or Judge's Order

Shri V.S. Mishra, Advocate with Shri A.M. Sharma, Advocate for the applicant.
Shri S.M. Ghodeswar, APP for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 26/09/2022

Heard.

2. The applicant is seeking bail in connection with Crime No.23/2021 registered with Police Station, Goregaon, District Gondia for the offences punishable under Sections 406, 409, 420 and Section 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act.

3. In this crime, the Auditor lodged the report on the basis of Audit Report carried out by the Auditor of Adwasi Ashram Shala Shikshak va Shikshetar Karmachari Sahakari Path Sanstha Maryadit, Goregaon (hereinafter refer to "Sanstha") for the period of 2018 to 2020 and thereupon, the above referred offences came to be registered.

4. As far as the allegations against the applicant is concerned in the Audit Report, it can be seen that, the applicant has taken Rs. 2 Lakhs from the said Sanstha. Against this, after registration of the FIR, the non-applicant has attached the immovable property worth Rs. 69 Lakhs, in which the applicant is having 1/19th share. Thus, the alleged amount of defalcation has already been secured by the prosecution.

5. Furthermore, the investigation is completed and the charge-sheet has been filed. In the circumstances, considering the date of arrest of the applicant i.e. 01/02/2021 and the period of incarceration i.e. more than one and half years, I am of the opinion that, further custody of the applicant is not necessary. In the circumstances, though the learned APP opposing the present application, I pass the following order.

- a) The criminal application is **allowed**;
- b) It is directed that in connection with Crime No.23/2021 registered with Police Station, Goregaon, District Gondia for the offences punishable under Sections 406, 409, 420 and Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest

of Depositors Act, the applicant shall be released on bail on furnishing P.R. Bond of Rs.20,000/- with one solvent surety in the like amount;

- c) 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 the culmination of the trial;
- d) The State is at liberty to apply for cancellation of bail, in case the applicant commits similar offence or breach the condition;
- e) The applicant shall not tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]