

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

CRIMINAL APPLICATION (ABA) NO.620 OF 2022

(SATYAWAN CHINNA SIDAM & ANR....VS.. STATE OF MAH. THR. PSO PS AHERI, DIST.
GADCHIROLI)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V.Sirpurkar, Advocate for Applicants.
Shri T.A.Mirza, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : AUGUST 30, 2022.

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicants are seeking pre-arrest bail in Crime No.0036 of 2022, registered with Police Station, Aheri, District : Gadchiroli for the offences punishable under Sections 406 and 409 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicants submits that the applicants are agriculturists and are noway connected with the Society against which the allegation of breach of trust is being made. He further submits that even their names were not featured in the F.I.R. It is submitted that even if the allegations made in the F.I.R. are taken on its face value, as the applicants are not the office bearers or connected with the Society, Section 409 of the Indian Penal Code would not attract to the case of the applicants.

4. It is submitted that the applicants have been falsely implicated in the alleged offence. It is further submitted that, the co-accused Atindra Subhash Shil, Laxminarayan Gangaya Ramgonwar have been released on bail and the role of the applicants is similar to the role of the co-accused.

5. The learned A.P.P. strongly opposed the application and he prays for rejection of the present application.

6. I have perused the case diary and the F.I.R.

7. *Prima-facie*, there is nothing to show that the applicants are office bearers or any way connected with the Society, against whom the allegations of breach of trust are made. Moreover, the co-accused, the role of whom is similar with the role of the applicant, have already released on bail. Hence, the applicant is entitled for grant of bail on the principles of parity.

8. Furthermore, considering the above referred facts, I am of the opinion that the custodial interrogation of the applicants is not necessary in this case as, *prima-facie*, there is nothing on record to show the involvement of the applicants. Accordingly, I pass the following order:

- i) The application is **allowed**.

- ii) It is directed that, in the event of arrest, in connection with Crime No.0036 of 2022, registered with Police Station, Aheri, District: Gadchiroli for the offences punishable under Sections 406 and 409 read with Section 34 of the Indian Penal Code, the applicants be released on bail on their furnishing P.R. Bond in the sum of Rupees Twenty Thousand each with one solvent surety in the like amount for each of the applicants.
- iii) The applicants shall attend the concerned Police Station as and when their presence is required.
- iv) The applicants shall not tamper with the prosecution evidence.

The Criminal Application is **disposed of** accordingly.

JUDGE

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