

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

Criminal Application (BA) No. 1331 of 2022

Ramesh Kisanrao Chavan (In Jail)

Versus

State of Maharashtra, through Police Station Officer, Police Station Aheri,
Dist. Gadchiroli

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

Court's or Judge's Order

Shri R.R.Vyas, Advocate for the applicant.

Shri V.A.Thakare, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 6th DECEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 36 of 2022 registered with Police Station Aheri, Dist. Gadchiroli for the offence punishable under Sections 406, 409, 420 read with Section 34 of Indian Penal Code.

2. The applicant is a grader and is working at Sub Regional Office Sahakari Adiwasi Vikas Mahamandal Maryadit. On 18th December, 2020 the process for purchase of rice was started by Adivasi Vividh Karyakari Seva Sahakari Society. On 25th

November, 2021, an inquiry was directed which was conducted by Incharge Marketing Inspector in respect of misappropriation of rice bags, who submitted its report after conducting the inquiry. Thereupon, the present FIR came to be registered against the fourteen persons including the applicant alleging that for the year 2020-21 the total rice weighing 57678.60 quintal i.e. 144202 bags out of which 136766 bags were shown to have been delivered and remaining 7426 bags were misappropriated by the accused.

3. The applicant was arrested on 29th June, 2022 and he is in jail since last five and half months. In this case, chargesheet came to be filed on 26th September, 2022 and all other accused persons have been released on bail.

4. Today, learned counsel for the applicant on instructions makes a statement that the applicant is ready to deposit Rs.5,00,000/- to show his bonafide.

5. Considering the statement of the learned counsel for the applicant and the fact that the chargesheet is filed and further custody of the applicant is not necessary, I am of the opinion that the applicant is entitled for grant of bail. Moreover, there is no possibility that he will not be available for trial. In the circumstances, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No. 36 of 2022 registered with Police Station Aheri, Dist. Gadchiroli for the offence punishable under Sections 406, 409, 420 read with Section 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount;
- iii. The applicant shall deposit Rs.5,00,000/- within eight weeks from today. Failure to deposit the amount within eight weeks, the bail shall stand cancelled.
- iv. The applicant shall attend the concerned Police Station as and when his presence is required;
- v. The applicant shall not tamper with the prosecution witnesses;
- vi. The applicant shall not leave the jurisdiction of the concerned Police Station without permission of the Court.

[ANIL S. KILOR, J.]

SACHINDANAND
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