

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.81 OF 2023

SHIVAJI BHAUSAHEB MAGAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Amol S. Gandhi
APP for Respondent : Mr. S. P. Sonpawale
...

CORAM : S. G. MEHARE, J.

DATE : 01-02-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. It is a case of misappropriation of 14th and 15th Finance Commission fund. The applicant was a Gramsevak at the relevant time. The total amount of Rs.25,95,950/- is allegedly siphoned and it was transferred to the account of accused No.2.
3. The learned counsel for the applicant would submit that the actual amount allegedly misappropriated by the applicant is Rs.12,68,200/-. The applicant is ready to deposit the amount of Rs.12,68,200/- within six weeks.
4. The learned A.P.P. opposed the application. He would submit that the applicant may not support the prosecution and further investigation. Therefore, he may not be granted bail.

5. Perused the chargesheet.

6. It has been alleged that all the accused in conspiracy have siphoned the huge amount under the pretext of development work done in the territory of village Panchayat. The material investigation against the applicant has been completed. He is languishing in jail since 08.10.2022. The chargesheet has been filed. To show *bona fide*, the applicant is ready to deposit 12,68,200/- with the trial Court.

7. Considering the allegations levelled against the applicant and completion of the investigation, the bail application deserves to be allowed. Hence, the following order:-

(i) Bail Application is allowed.

(ii) Applicant Shivaji Bhausahab Magar be released on bail on executing P.B. and S.B. of Rs.50,000/- with one solvent surety in the like amount in connection with C.R.No.272 of 2022, registered at Shirdi Police Station, Taluka Rahata, District Ahmednagar, for the offence punishable under Sections 409 and 420 read with Section 34 of the Indian Penal Code, on the conditions that;

- (a) He shall cooperate with the further investigation, if any.
- (b) He shall deposit Rs.12,68,200/- within six weeks from today.
- (c) Until the applicant deposits the said amount, he shall not be released on bail.

(S. G. MEHARE)
JUDGE