

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1338 OF 2023

RAMKISHAN LALU RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. M. V. Salunke

APP for Respondents: Mr. S. W. Munde

...

CORAM : R.M. JOSHI, J

DATE : OCTOBER 20, 2023

PER COURT :

1. At the outset, learned Counsel for the Applicant seeks leave to place on record copy of order passed by learned Additional Sessions Judge rejecting application for pre-arrest bail.

2. Leave granted.

3. Applicant apprehends arrest in connection with with C.R. No. 187 of 2022 registered with Bhusawal City Police Station, Dist. Jalgaon for the offences punishable under Sections 420, 120-B, 166, 166-A. 167, 168, 107, 108, 119, 120, 182, 191, 192, 196, 217, 218 of the Indian Penal Code.

4. Learned Counsel for the Applicant submits that

in connection with the same crime co-accused are already granted anticipatory bail by this Court by passing order in ABA/247/2023 and connected bail application. By drawing attention of the Court to the observations made by this Court in the said order, it is submitted that the same are squarely applicable to the present case. It is his further contention that in the inquiry conducted by the Collector no findings are recorded that this is a case of misappropriation and the findings are to the effect that there was a shortage of food grains and the Applicant and co-accused were held responsible for the same. Hence, they were directed to made loss good. It is his submission that the said loss is already made good. He drew attention of the Court to the observations against informant in this case who has personal interest and vengeance against one of the accused person.

5. Learned APP submits that the present Applicant is godown keeper and hence, his role cannot be equated with the co-accused. It is his further submission that shortage of food grains is huge in terms of percentage and hence, this is not a fit case for grant of

anticipatory bail.

6. Perusal of the report of the Collector does not show any findings being recorded therein that this is a case of misappropriation. The report only indicates that there is a shortage off grains and Applicant and others are held responsible for the same. There is no dispute about the fact that the Applicant and co-accused have made said loss good. The order passed by this Court in the Applications filed by the co-accused is more than sufficient to demonstrate the intentions of the informant. In absence of any findings recorded by the Collector in the inquiry this is being a case of misappropriation, this Court finds substance in the contention of learned Counsel for Applicant that on parity Applicant is entitled for bail.

7. In view of above, Application is allowed by confirming interim order dated 19th August, 2023.

(R.M. JOSHI, J.)

Malani