

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1500 OF 2023

Suraj s/o Sampat Borde
Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. A. D. Ostwal, Advocate for the applicant.
Mr. V. S. Badakh, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 27th OCTOBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0292/2023 registered with Anandnagar Police Station, Dist. Osmanabad, for the offences punishable under Sections 420,409 read with Section 34 of Indian Penal Code.

2. The gist of allegations in the First Information Report shows that the funds received for the purpose of one scheme was utilised for another scheme of the Government.

3. Learned counsel for the applicant submits that there is no allegation about any misappropriation of funds. He placed

reliance on the order passed by this Court in Anticipatory Bail Application No. 1531/2023 in respect of the co-accused wherein similar observations are made about diversion of funds and not mis-appropriation thereof.

4. Though learned APP opposed the application, he was unable to show that any mis-appropriation of funds has been done.

5. Perusal of record on the basis of which First Information Report is lodged indicates that except for the allegation of utilisation of funds for different scheme, there is nothing to indicate that any mis-appropriation has been done in respect of the same. In view of this, application is allowed. Hence the following order :-

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant in connection with Crime No. 0292/2023, registered with Anandnagar Police Station, District Osmanabad, for the offences punishable under Sections 420, 409 read with Section 34 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs. 15,000/-

(Rs. Fifteen Thousand only) with one surety in the like amount.

(iii) He shall attend the concerned police station once in a week.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb