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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.674/2022

GANESH SUKRYA KAMDI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Sanjay Patil for the applicant.
Ms. A. A. Takalkar, APP for State.
PSI Mane, Shahapur Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 31, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 409, 420 read with 34 of the Indian Penal Code (hereafter 'IPC' for short), registered vide First Information Report (FIR) No.I-342/2021 with Shahpur Police Station.

3. The applicant at the relevant time was the Sarpanch of Gothehar Grampanchayat, Shahpur. It is alleged that he has misappropriated the amount of Rs.1,68,300/- (in the FIR, it is mentioned that there is misappropriation of the amount

of Rs.98,500/-). The amount of Rs.1,68,300/- is revealed during the course of the investigation. The applicant, prior to the registration of the FIR has deposited a sum of Rs.98,500/-. It is alleged that without purchasing any material and the said amount has been misappropriated showing the same to be for the purchase of materials.

4. It is further alleged that the applicant along with other accused during the period from 2016-2017 and 2017-2018 utilized the sanctioned amount of Rs.8,88,287/- for their personal gains and thus, misappropriated the amount. In the charge-sheet at page 230 there is a MB report which certified that the work in respect of which alleged misappropriation is completed. In any case, these are the matters for the trial Court to consider.

5. Suffice it to observe that the applicant is arrested on October 18, 2021 and now is in custody for more than one year and three months. The accused nos.1 and 4 have been released on bail. The applicant is willing to deposit a sum of Rs.68,000/- within a period of four weeks from today with the trial Court. Statement is accepted.

6. The investigation is complete. The charge-sheet has

been filed. There are no criminal antecedents reported against the applicant. The applicant can be enlarged on bail. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant-Ganesh Sukrya Kamdi in connection with FIR No.I-342/2021 with Shahpur Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the Investigating Officer of the concerned police station once in two months on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The amount of Rs.68,000/- be deposited in the trial Court within four (4) weeks from today.

7. The application is disposed of.

(M. S. KARNIK, J.)