

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.223 OF 2023

(Rakesh s/o Sakharam Gedam Vs. State of Maharashtra)

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

Court's or Judge's Order

Shri V.N. Morande, Advocate for the applicant.
Shri S.M. Ghodeswar, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 12, 2023.

Heard.

2. By this application the applicant is seeking anticipatory bail in the event of his arrest in connection with Crime No.06/2023 registered at police station Jiwti, District Chandrapur for the offence punishable under Section 409 of the Indian Penal Code.

3. The applicant is apprehending arrest at the hands of the police as crime is registered against him on the basis of report lodged by Nitesh Vaikunthrao Dhokane on an allegation that the applicant is working as a Senior Clerk in account section of Maharashtra State Electricity Distribution Company Limited.

4. The informant has lodged the report alleging that the amount of electricity bill collected by the applicant during the period from June, 2022 to October, 2022 to the tune of Rs.6,35,940/- was not deposited and he has misappropriated the said amount. Subsequently, the family members of the applicant deposited the said amount, and now, the entire amount has been deposited.

On the basis of said report, police have registered the said offence against the present applicant.

5. As per the contention of the applicant now the amount, which is to be recovered is already deposited by the relatives of the present applicant hence, his custodial interrogation is not required, and hence, he be released on bail. He will abide all the conditions imposed by this Court.

6. Said application is strongly opposed by the learned Additional Public Prosecutor and submitted that the custodial interrogation of the present applicant is required for interrogation purpose.

7. Heard learned Counsel for the applicant and learned Additional Public Prosecutor for the State. Perused the recitals of the First Information Report and investigation papers.

8. The recitals of the FIR itself shows that the relatives of the applicant have already deposited the entire amount, which is alleged to be misappropriated by the present applicant. Admittedly, nothing is to be recovered from the present applicant. Considering the same, this Court has protected the applicant from the arrest by granting ad-interim anticipatory bail. As observed earlier that the custodial interrogation is not required as already amount is recovered from the applicant and for interrogation purpose his physical custody is not required.

9. In view of that interim protection granted to the applicant deserves to be confirmed by imposing

certain conditions. Hence, I proceed to pass the following order :

- (i) The application is allowed.
- (ii) The applicant No. 1 – Rakesh s/o Sakharam Gedam in the event of arrest in Crime No.06/2023 registered at police station Jiwti, District Chandrapur for the offence punishable under Section 409 of the Indian Penal Code, be released on anticipatory bail on executing P.R. Bond in the sum of 25,000/- (Rs. Twenty five thousand) with one surety in the like amount.
- (iii) The applicant shall attend concerned Police Station once in a week i.e. on every Sunday between 10.00 a.m. to 1.00 p.m. for investigation purpose till further orders.
- (iv) The applicant shall furnish his cell phone number and detail address along with address proof and the names of two closed relatives with their address proof.
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

(URMILA JOSHI-PHALKE, J.)