



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 664 OF 2023

(PRADNYAWANT YASHWANT RAMTEKE VS. STATE OF MAHARASHTRA)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Anil A. Dhawas, Advocate for applicant.
Mr. S. M. Ghodeswar, APP for respondent State.

CORAM : M. W. CHANDWANI, J.

DATE : 07/09/2023

By the present application, the applicant seeks regular bail in Crime No. 17/2021, for the offence punishable under Sections 409, 420 and 201 of the Indian Penal Code, 1860, registered at Police Station Sawali, District Chandrapur.

2. Heard learned counsel for the applicant, as well as learned APP for respondent State.

3. It is alleged that the applicant a Junior Assistant in Panchayat Samiti, Sawali did not perform his duty as per rule. He did not hand over the charge to other staff despite of orders. Even, he did not maintain the books of accounts. He did not deposit cheques in government account. Instead of

depositing the amount towards Tax Deducted at Source (TDS) from the employees of the Panchayat Samiti, Sawali in government account, the applicant deposited the said amount to his personal account, from time to time and therefore, he has misappropriated an amount to the tune of Rs.41,81,622/- during the years 2014-15 to 2016-17. On the complaint of Gajanan Yellurwar, Administrative Officer of Panchayat Samiti, Sawali, the aforesaid offences came to be registered against the applicant. The applicant was arrested in said crime on 20/08/2022.

4. It is submitted on behalf of the learned counsel for the applicant that the investigation is completed and charge-sheet has been filed. The applicant is behind the bar since more than one year. Learned counsel further submits that if the bail is granted, the applicant will abide all the conditions imposed by this Court. He submits that the applicant will attend the trial Court on each and every date.

5. Learned APP appearing on behalf of the respondent State opposed the application for grant of bail on the ground that the applicant has misappropriated the amount to the tune of Rs.41 Lakhs and odd, for his personal use. Even in

departmental enquiry, he was found guilty. He also submits that if the applicant/accused is released on bail, he will threatened the prosecution witnesses or tampering the prosecution evidence.

6. Perusal of the charge-sheet goes to show that there is a *prima facie* material against the applicant to show that he has misappropriated the amount of Rs.41 Lakhs and odd by not depositing the amount of TDS of the employees of Panchayat Samiti in government account and used the same for his personal use i.e. for construction of his house.

7. It appears that the charge-sheet has already been filed which indicates that investigation in this crime is now over. The applicant is behind the bar since 20/08/2022. The offence is triable by Judicial Magistrate First Class (JMFC). I am conscious of the fact that the Courts of JMFC are flooded with the cases. There is no likelihood of conclusion of the trial in near future. It is not desirable to keep the applicant behind the bar for such considerable time at pre-trial stage. Just because, the amount has not been recovered from the applicant, is not a ground to deny the bail. So far as apprehension of learned APP regarding tampering of

evidence is concerned, certain conditions can be imposed on him. Hence, the following order :-

- (a) The application is allowed.
- (b) The applicant shall be released on bail on furnishing PR bond of **Rs.50,000/-** (Rupees Fifty Thousand only) with one solvent surety in the like amount.
- (c) The applicant shall regularly attend the trial Court and cooperate the learned trial Court to complete the trial for the above offence. The applicant shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.
- (e) In case of breach of any conditions, the learned trial Court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

Application is disposed of.

[M. W. CHANDWANI J.]