



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

CRIMINAL APPLICATION (BA) NO.694 OF 2023

Rajesh s/o Yograj Bawankar Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri/s V.S. Mishra, A. Sharma and K. Jamb, Advocates for
applicant.
Shri M.J. Khan, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : SEPTEMBER 05, 2023.

The applicant seeks bail in Crime No.284/2022 registered with Police Station, Goregaon, District Gondia for the offences punishable under Sections 406, 408, 409, 420, 467, 471, 120(B) read with Section 34 of the Indian Penal Code. The applicant is arrested on 19.11.2022 and since then he is in jail.

2. Heard learned counsel for the applicant and learned APP for the State. Gone through the charge-sheet. One District Special Auditor Class-I, Cooperative Societies, Wardha lodged a complaint alleging that in Nehru Sahakari Dhan Girni Maryadit Goregaon, the accused persons were assigned with the work of purchasing paddy from the respective farmers on support price. The applicant and other co-accused conspired and misappropriated an amount of Rs.3,77,98,600/-. All this was traced during audit conducted by the Auditor. The role assigned to the present applicant is

that the applicant purchased the paddy from open market and it was shown to be sold to the society in the fictitious names of farmers and got difference amount of support price and sale price even by opening the bank account in the fictitious names of the farmers as well as their relatives and siphoned the money.

3. The application is strongly opposed by the learned APP on the ground that huge amount is misappropriated and offence is grievous in nature and thus prayed for rejection of bail.

4. Having heard both sides and having gone through the record it reveals that the investigation is over and charge-sheet is filed in the trial Court. The main role is assigned to the brother of the present applicant, who had surrendered before the learned JMFC on 19.04.2023. The applicant is behind bars since 19.11.2022. The material documents are already seized during the investigation. The offence is triable by the learned Judicial Magistrate First Class. I am conscious of the fact that the Courts of Judicial Magistrate First Class are flooded with the cases. The trial is yet to be started and will consume considerable time. It will not be appropriate to keep the applicant behind bars till conclusion of the trial. So far as apprehension put forth by the learned APP can be taken care of by imposing certain conditions. Considering the fact that the investigation is completed and charge-sheet is already filed, the discretion can be exercised in favour of the

Corrected as per
Hon'ble Court's order
dated 06.11.2023.

Personal Assistant.

applicant. Hence, I proceed to pass the following order:

ORDER

- i. The criminal application is allowed.
- ii. The applicant – Rajesh s/o Yograj Bawankar be released on bail in connection with Crime No.284/2022 registered with Police Station, Goregaon, District Gondia for the offences punishable under Sections 406, 408, 409, 420, 467, 471, 120(B) read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of ₹50,000/- with one or two solvent sureties in the like amount.
- iii. The applicant shall furnish the cellphone number and address with address proof. In addition, the applicant shall also furnish the names of his two relatives and their address with address proof.
- iv. The applicant shall not tamper with the prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.

The application is disposed of in the above terms.

JUDGE

Wagh