



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

971 BAIL APPLICATION NO. 855 OF 2024

PRALADH HARIDAS VIJAPURE

VERSUS

STATE OF MAHARASHTRA, THROUGH CITY POLICE STATION
PARALI.

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Advocate for Applicant : Mr. Panchal H. G. (Through V. C.).
APP for Respondent-State : Mr. S. R. Wakale.

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CORAM : S. G. MEHARE, J.

DATE : 19.07.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.26 of 2018, registered with Parali City Police Station, District Beed, for the offences punishable under Sections 420, 409, 468, 470, 471, 474, 109 read with Section 34 of the IPC.
3. The applicant was the Assistant Agricultural Officer. The vigilance committee report was that the applicant had misappropriated the amount of Rs.28,98,062/-. The applicant had a case that, considering his duty, he had no control over the finance matter; he was supervising the work under the

directions of his superiors. The misappropriated money was never transferred to his bank account. Police did not collect any material as such. The applicant is not the beneficiary of the so-called misappropriated money. The custodial interrogation of the applicant has been completed. A supplementary charge sheet has also been filed against him. Nothing is to be recovered from him. There is a large number of witnesses. Therefore, the trial may take time. Hence, he may be granted bail.

4. Learned APP strongly opposed the application. He would submit that the applicant has played an active role. He did not support the prosecution in police custody. The applicant misappropriated a huge amount of more than Rs.28,00,000/-. Hence, he may not be granted bail.

5. The principle that bail is a rule and jail is an exception should be considered in matters where the prosecution is not able to protect the fundamental right of the accused to have a speedy trial. The dispute pertains to the money. The charge sheet is bulky. The evidence of the prosecution, as well as the accused, may be lengthy. Since it is a matter of amount and documents, the Court is of the view that the prosecution would

not be able to protect the fundamental rights of the applicant of speedy trial. Apart from that, nothing is recovered against the applicant. The investigation against the applicant has been completed. Therefore, he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **PRALADH HARIDAS VIJAPURE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on every date.

(S. G. MEHARE, J.)

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vmk/-