



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1455 OF 2023

Madhav s/o Bapurao Borkar

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....
Mr. N.N. Bhagwat, Advocate for applicant
Mrs. V.S. Choudhari, A.P.P. for respondent
.....

CORAM : R.G. AVACHAT, J.

DATE : 19th JANUARY, 2024

ORDER :

Heard Mr. Bhagwat learned counsel for the applicant and learned A.P.P. for the respondent.

2. The conclusion drawn by the investigating officer indicates the applicant to have received a sum of Rs.25,000/- in his Bank Account and Rs.2,50,000/- in cash. Co-accused are alleged to have received other amount, totaling to around Rs.45 Lakhs. The offence dates back to the year 2013-2015. The applicant has been serving with the Health Department of Zilla Parishad. The record indicates him to have been reporting on duty. The same suggests the investigating officer to have not required his custody.

The applicant on his own has now come around to deposit a sum of Rs.5 Lakhs. The charge sheet has already been filed against the co-accused. A sum of Rs.2,75,000/- has been worked out as the one to have been received by the applicant. The same suggests, the investigation as against the present applicant has also been complete.

3. The applicant being in Government service, is not likely to abscond. He has not been arrested for long. He on his own came around to deposit the amount of Rs.5 Lakhs.

4. In view of the above, the order granting interim protection is made absolute on condition of the applicant depositing a sum of Rs.5 Lakhs with the trial Court within a period of four weeks from today. The same be treated as recovery of the amount allegedly received by the applicant. If the amount is not deposited within four weeks, the application shall stand dismissed and the interim order dated 1/9/2023 shall stand vacated without further reference to the Court.

5. If the amount is deposited and the applications are received from the victims for withdrawal of the amount, the trial Court would be at liberty to equally distribute on condition/s to the satisfaction of the trial Court.

6. The trial Court shall not be influenced by this order while deciding the case on its own merits.

(R.G. AVACHAT, J.)

fmp/-