



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

935 BAIL APPLICATION NO. 2226 OF 2023

ANGAD VILASRAO AGALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shrikant G. Kawade.
APP for Respondent/State : Mr. Satish A. Gaikwad.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 12th January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.161 of 2023, registered with Bembali Police Station, District Osmanabad, for the offences punishable under Sections 420, 406 and 409 read with 34 of the Indian Penal Code.

3 The report is filed by Extension Officer, Panchayat Samiti, Osmanabad alleging that the applicant and other accused duped the beneficiaries under 15th Finance Commission of village Bembali, Taluka and District Osmanabad. The applicant and the Sarpanch of village Vandana Kamble have duped to the village panchayat for total amount of Rs.25,46,467/-, which was revealed in the inquiry. Therefore, the report was lodged. It is alleged that the applicant duped

to the village panchayat for the amount of Rs.11,53,264/-. The applicant is arrested on 30th October, 2023.

4 The learned counsel for applicant submitted that the entire amount as alleged by the informant is handed over to the beneficiaries of that village. The applicant is falsely implicated in the crime. The applicant has roots in the society. He is public servant. He will not flee away from trial. Practical investigation is over. Custodial interrogation of the applicant is not necessary. He lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application. He pointed out that after holding inquiry, the conclusions were drawn under seven different heads about the manner in which the amount of Rs.25,46,467/- was misappropriated by the applicant and the co-accused. There is *prima-facie* serious evidence against the applicant. Investigation is in progress. He lastly prayed to reject the application.

6 During argument, the learned counsel for applicant submitted that the applicant is ready to deposit Rs.6,00,000/-.

7 Perused the report and the papers of investigation. From the papers of investigation, it reveal that the custodial interrogation of this applicant is not necessary. The applicant has roots in the society.

He will not flee away from trial. Co-accused is absconding. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.161 of 2023, registered with Bembali Police Station, District Osmanabad, for the offences punishable under Sections 420, 406 and 409 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the witnesses.
 - b) The applicant shall not tamper with the prosecution evidence in any manner.
 - c) The applicant shall not indulge in similar activities again.
 - d) The applicant shall not leave Osmanabad district without prior permission of trial Court.
 - e) The applicant be released on bail on depositing Rs.6,00,000/- in the Court of learned Judicial Magistrate First Class, Osmanabad.
 - f) As soon as the amount is deposited, the applicant be released on bail.

[SANJAY A. DESHMUKH, J.]