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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4674 OF 2008

Shivaji Uttareshwar TalekarApplicant
V/s.	
The State of MaharashtraRespondents

W I T H

CRIMINAL APPLICATION NO. 4675 OF 2008

Mahadev N.DeokarApplicant
V/s.	
The State of MaharashtraRespondents

W I T H

CRIMINAL APPLICATION NO. 4676 OF 2008

Arjun M. SalunkheApplicant
V/s.	
The State of MaharashtraRespondents

W I T H

CRIMINAL APPLICATION NO. 4677 OF 2008

Audumbar N.GhadgeApplicant
V/s.	
The State of MaharashtraRespondents

Mr.Vinay Dalvi i/by. Samir A.Vaidya, Adv.for applicants.
Mr.J.P.Yagnik, APP for State.

CORAM: SMT.R.P.SONDURBALDOTA, J.

(VACATION JUDGE)

DATED: 31ST DECEMBER, 2008.

P.C. :

1. This is a common order on the above four applications for bail.
2. The applicant in Criminal Application No.4674 of 2008 who is the Secretary of an Institution by name Model Action for Rural Change, Kem is accused no.1, the applicant in Criminal Application No. 4676 of 2008 who is the sub-contractor is accused no.2. The applicant in Criminal application No. 4677 of 2008 the Sarpanch of Village-Shirgaon, Pandharpur is accused no. 3 and the applicant in Criminal Application No. 4675 of 2008 a tempo driver is accused no.4 in the F.I.R. No. 255 of 2008 registered on 26th September, 2008 with Pandharpur Taluka police station.
3. Accused no.1 was allotted work of constructing cement nalla bund under the village employment Scheme in village-Shirgaon. Accused no.2 who is the sub-contractor was assigned

the work by accused no.1. Under the scheme, the laborers employed by accused no.1 and 2 were to be paid wages partly in money and partly in the form of food-grains as per the Sampurna Gramin Rojgar Yogna Scheme launched by the State Government. The prosecutions' case is that accused no.1 and 2 purchased foodgrains to be paid to the workers from the shop of accused no.3, and instead of distributing to the labourers diverted the same to open market for making private gain. The tempo driven by accused no.4 carrying the foodgrains weighing 100 quintals was intercepted by the police on 23rd September, 2008 at about 5.30 hrs. Since it was part of the wages to be paid to the laborers and was being transported by illegal means to another village for being sold in open market, crime was registered against the four accused under the F.I.R. No.255 of 2008 on 26th September, 2008. All the four accused were arrested on the same day and have since been in custody. Considering the fact that they have been in custody for a sufficiently long period and the fact that the police do not need to interrogate them any further, in the opinion of this court, they can be released on bail. The learned A.P.P. requests that accused nos.1 and 2 be directed to attend to the police station to assist the police in identifying the laborers to whom the wheat is now required to

be distributed. Hence, the order.

O R D E R

- (i) Accused no.1 who is the applicant in Cri.Application No. 4674 of 2008 be released on bail in the sum of Rs.40,000/- (Rs.Fourty Thousand only) with one surety in the like amount.
- (ii) Accused no.2 who is the applicant in Cri.Application No. 4676 of 2008 be released on bail in the sum of Rs.40,000/- (Rs.Fourty Thousand only) with one surety in the like amount.
- (iii) Accused no.3 who is the applicant in Cri.Application No. 4677 of 2008 be released on bail in the sum of Rs.20,000/- (Rs.Twenty Thousand only) with one surety in the like amount.
- (iv) Accused no.4 who is the applicant in Cri.Application No. 4675 of 2008 be released on bail in the sum of Rs.5,000/- (Rs.Five Thousand only) with one surety in the like amount.
- (v) Accused nos.1 and 2 are directed to attend the Pandharpur Taluka Police Station on the third and fifth day of being released on bail, during 11 a.m. to 2 p.m. and thereafter on such day as and when required by the police.
- (vi) With the above order, the bail applications are disposed off.

[JUDGE]

