

FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 962 OF 2015
[Mitesh @ Nitesh Ashoklal Potdar vs The State of Maharashtra]

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

Court's or Judge's orders

Shri Joydeep Chatterjee, advocate for applicant
Smt. V.A.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 24th March, 2015

PER COURT :-

1] By the present application, the applicant is claiming protection in the nature of anticipatory bail since he is apprehending his arrest in connection with Crime No.13 of 2015, registered at Zilha Peth Police Station, District Jalgaon for the offence punishable under Sections 409, 420, 120(B) of the Indian Penal Code and under Section 3 of the Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2] Heard learned counsel for the applicant and Smt. Shinde, learned Additional Public Prosecutor for the respondent, who has also filed reply on behalf of the investigating officer.

3] According to the first information report, on 3.1.2015 the first informant had been to the Branch Office of Ganesh Colony of the Credit Society by name Bhaichand Hirachand Raisoni Multi-State Co-operative Society Limited, Jalgaon

(for short, 'BHR society') in connection with receipt of the amount of the fixed deposit made by her with the said society. According to the allegation, she met the present applicant amongst others, however, she was unable to get the amount of her fixed deposit amount, and therefore, she lodged the first information report against various persons including the present applicant. It is alleged in the first information report that the present applicant was Cashier at Ganesh Colony Branch.

4] The learned counsel for the applicant invited my attention to the letter dated 20.9.2014 which was given by the present applicant to the General Manager of the BHR society, wherein he has tendered his resignation from the post of Circle Officer. He also invited my attention to the e-mail given by the Establishment Officer of the BHC society to the Branch Manager and to all the Branch Officers wherein it has been mentioned that the present applicant is not working with the society. The said communication is dated 12.11.2014. In that view of the matter, it is clear that on 3.1.2015 it cannot be believed at least prima facie that the first informant has met the present applicant in the Branch Office. Further, it is pointed out by the learned counsel for the applicant that initially the present applicant moved an application for anticipatory bail before the trial court along with other applicants who are also named in the first information report and the said application was registered as Criminal Application No. 89 of 2015, however, the learned Judge of the court below vide order, dated 13.2.2015 was pleased to dismiss the said application for anticipatory bail.

5] After rejection of the anticipatory bail application, the applicant has approached to this court by filing the present application.

The learned counsel pointed out that subsequent to the rejection of Criminal Application No. 89 of 2015, the applicants therein except the present applicant again filed an application for anticipatory bail before the Special Judge vide Bail Application No. 142 of 2015 by pointing out that subsequent to the rejection of the earlier bail application, the first informant has filed affidavit that she has already received entire amount and looking to the said aspect and the affidavit, the learned Additional Sessions Judge, Jalgaon, who is a Special Judge, vide order, dated 23.2.2015 has released the applicants in Bail Application No.1 42 of 2015 on anticipatory bail.

The copies of Bail Application No. 142 of 2015 along with the affidavit filed by the first informant is taken on record as tendered by the learned counsel for the applicant and marked as 'X' for identification purpose.

6] Looking to the nature of the allegations made against the present applicant and the fact that the applicant has already tendered his resignation from the said society and the subsequent development of grant of anticipatory bail in favour of the other similarly placed persons as of the present applicant, the present application needs to be allowed. Hence I pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) In the event of arrest of the applicant, in connection with Crime No. 13 of 2015, registered at Zilha Peth Police

Station, District Jalgaon, for the offences punishable under Sections 409, 420, 120(B) of the Indian Penal Code and under Section 3 of the Protection of Interest of Depositors (In Financial Establishments) Act, 1999, the applicant shall be released on anticipatory bail on he executing P.R.bond of Rs.10,000/- with one solvent surety in the like amount.

(iii) The applicant is directed to attend Zilha Peth Police Station twice a week, preferably on every Sunday and Thursday in between 3.00 p.m. to 4.00 p.m. till charge sheet is filed.

(V.M.DESHPANDE, J.)

dbm/crap962.15