

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2182 OF 2015**[Shivraj s/o Murgappa Khumase 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 R.R.Deshmukh, advocate h/f
Shri R.B.Deshmukh, advocate for applicant
Smt. P.J.Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 23rd April, 2015****PER COURT :-**

- 1] Heard Shri R.R.Deshmukh, learned counsel for applicant.
- 2] By the present application, the applicant is seeking anticipatory bail, in connection with Crime No. 31 of 2015, for the offences punishable under Sections 420, 419, 467, 471, 468 of the Indian Penal Code, registered with Renapur Police Station, District Latur,
- 3] The submission of the learned counsel for the applicant is that the other co-accused persons have misappropriated a huge amount; whereas allegations against the present applicant are in respect of small amount, and therefore, he is entitled for discretionary relief. Such argument and submission is wholly misplaced and the person like the present applicant who is making such submission is not entitled for any relief.
- 4] The first information report is lodged after the statutory audit of Ranapur Vividh Karyakari Seva Sahkari Society Ltd. Renapur by the statutory auditor. The first information report

is dated 13.3.2013. It shows that the present applicant is a Secretary of the said Society. Being Secretary, he has over all control and supervision over the functioning of the said society. The first information report shows that the auditor gave a notice to the present applicant on 26.11.2014 by Registered Post A.D. and his explanation was asked by the auditor. In spite of the receipt of the said notice, no reply was filed. The statutory auditor has listed the modality of the present applicant as to how he has misappropriated the amount.

5] Looking to the fact that the present applicant is a Secretary of the said society, he is having control over all the documents and record of the said society. In that view of the matter, custodial presence of the present applicant is required.

6] Hence, Criminal Application is rejected.

(V.M.DESHPANDE, J.)

dbm/crap2182.15