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

CRIMINAL APPLICATION NO. 2705 OF 2015

Gautam s/o Bhagwansingh Pardeshi .... **APPLICANT**

V E R S U S

The State of Maharashtra .... **RESPONDENT**

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Mr.V.B.Patil, Advocate for Applicant.

Mr. U.S.Mote, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 2nd JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No. 28/2015 registered with Erandol police station, Dist. Jalgaon for the offences punishable u/s 420,406,409,120-B read with 34 of the Indian Penal Code and u/s 3 of Maharashtra Protection of Interest of Depositors [in Financial Establishment] Act, 1999.

2. Heard Mr.V.B.Patil, learned counsel for the applicant and Mr. U.S.Mote, learned A.P.P. for respondent –

State.

3. Complainant is Surekha Shamlal Totla. According to the F.I.R., she has invested certain amount for 365 days with Bhaichand Hirachand Raisoni Multi State Co-operative Credit Society Ltd., Erandol, District Jalgaon [for short, 'said Society']. According to F.I.R., on the date of maturity when the complainant had been to the said Society, Fixed Deposit Receipt standing in the name of first informant issued by the said Society was not honoured and, therefore, she has filed complaint against various persons viz. Managing Director, Directors and others of the said Society including the present applicant.

4. It is not in dispute that at the relevant time when the amount was invested, present applicant was Branch Manager of the said Society.

5. According to the learned counsel for the applicant, on 10/06/2014 present applicant submitted his resignation from the post of Branch Manager. Said resignation was accepted by the said Society. This fact of resignation is not disputed by the learned A.P.P., upon the instructions of Investigating Officer.

6. After the resignation of the present applicant, Fixed Deposit Receipts were matured. Thus, when the complainant had been to the said Society for receiving her amount, that time present applicant was not in service.

Learned A.P.P. submitted that on 16/04/2015 supplementary statement of the first informant was recorded. I have gone through the said statement. From the said statement, it is clear that when the complainant had been to the said Society, when the present applicant was the Branch Manager, that time he has only given information about the scheme. Her statement does not discloses that the present applicant was instrumental in alluring the complainant that she should deposit the amount in the scheme.

7. Further, said statement shows that after the maturity, when she had been to the said Society, that time Yogesh, Deepak and others assured her that the amount will be paid to her. In that view of the matter, present application has to be considered favourably.

8. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) Interim order passed by this Court on 09/06/2015 stands confirmed.

(iii) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]