

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

CRIMINAL APPLICATION NO. 3551 OF 2015

Bharat s/o Sadashiv Doiphode

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. A.D.Shinde, Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 22nd 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. 150/2015 registered with Shrigonda police station, District Ahmednagar for the offences punishable u/s 420 and 409 of the Indian Penal Code.

2. Heard Mr. A.D.Shinde, learned counsel for the applicant and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State.

3. Mr. Umesh V.Deokar, Cetrtified Auditor lodged report that when he conducted the audit of Vivid Karyakari Seva Sahakari Society Ltd., Kashti, Dist. Ahmednagar for the period from 2012-2013 and 2013-2014 he found that the present applicant, who was in-charge of the Fertilizer department has mis-appropriated the amount to the tune of ₹ 23,09,843.47. F.I.R. further shows that the applicant has deposited ₹ 11,16,035/-.

Learned counsel for the applicant has placed on record the audit report. It is clear from the said report that the applicant was in-charge of the Fertilizer department from 25/08/2008. In the Audit report, amount of ₹ 20,44,336.35 was shown to be outstanding. However, out of said amount, ₹ 8,77,291.88 was to be recovered prior to 25/08/2008. Thus, for the said amount, present applicant can not be held responsible.

4. Further, entire record is already seized and the applicant, even according to the F.I.R., has already deposited ₹ 11,16,035/- out of ₹ 20,44,336.35, which includes ₹ 8,77,291.88, for which applicant is not responsible. That leads me to pass the following order.

(i) Present Criminal Application is hereby allowed.

(ii) Interim order granted in favour of the present applicant on 08/07/2015 stands confirmed.

- (iii) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 3551.2015