

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 3987 OF 2015.

SHAILA W/O VILAS RAMAIYA & OTHERS.

VERSUS

THE STATE OF MAHARASHTRA.

Appearance =>

Mr. R.A. Jaiswal, Advocate h/for Mr. Nilesh Ghanekar, Advocate
for the Applicants.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State
of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 12th August, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No.I 124/2015 registered with Police Station, Vaijapur, District - Aurangabad for the offences punishable under Section/s 406 read with 34 of the Indian Penal Code.

[2] Heard Mr. R.A. Jaiswal, learned counsel for the Applicant and Mrs. S.G. Chincholkar, learned Additional Public Prosecutor.

[3] The Applicants who are ladies are the office bearers of “Dhanwantari Mahila Nagari Sahakari Patsanstha Limited, Vaijapur, District – Aurangabad”. This Patsanstha was given a contract by

M.S.E.D.C.L., Vaijapur, Sub Division No.1 to collect the consumption charges of the electricity, consumed by the consumers of the M.S.E.D.C.L.

[4] Hayatkhan Anwarkhan, Deputy Executive Engineer, M.S.E. D.C.L., Vaijapur lodged a report with Police Station, Vaijapur alleging that though the amount is collected from the ultimate consumers by Dhanwantari Patsanstha however, said amount is not deposited and thus they have misappropriated the amount.

[5] Admittedly, Dhanwantari Mahila Nagari Sahakari Patsanstha Limited has appointed one Amol Wamanrao Deokar to look after the job of collection and to deposit the amount with M.S.E.D.C.L. They have also lodged report on 10th July, 2015 against Amol Deokar since it was noticed to them that Amol has not deposited the amount with M.S.E.D.C.L., as per the First Information Report dated 7th July, 2015. Further, according to the learned counsel for the Applicants entire outstanding amount is deposited with M.S.E.D.C.L. on 02/07/15 ie prior to lodging of the First Information Report.

[6] Mrs. S.G. Chincholkar, learned Additional Public Prosecutor is not disputing about such deposit. She has made categorical statement that she has received instructions from the Investigating Officer that entire amount which is found its place in the First Information Report has been deposited by Dhanwantari Mahila Nagari Sahakari Patsanstha Limited with the M.S.E.D.C.L.

[7] Looking to the fact that entire amount is deposited and the work of collecting and depositing the amount was entrusted by the

Applicants' lady to Amol Deokar, against whom report is already lodged, in my view, custodial presence of the present Applicants is not at all warranted. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant No.1 – Shaila Vilas Ramaiya, Applicant No.2 – Safiyabi Yasin Shaikh, Applicant No.3 – Ujwala Chandrakant Pawar, Applicant No.4 – Shobha Vishnu Wagh, Applicant No.5 – Sunita Bharat Gaikwad, Applicant No.6 – Sudha Arvind Mungi, Applicant No.7 – Vaishali Sopan Pagar, Applicant No.8 – Kusum Nandu Joshi, Applicant No.9 – Kalpana Shailendra Nannvare, Applicant No.10 – Padma Ghansham Ahuja and Applicant No.11 – Rama Hanuman Parikh, shall be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No.I 124/2015 registered with Police Station, Vaijapur, District - Aurangabad for the offences punishable under Section/s 406 read with 34 of the Indian Penal Code.

(iii) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)