

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

CRIMINAL APPLICATION NO. 4504 OF 2015

1. Shri. Ranjitsing Shalamsing Padavi,
Age: 56 years, Occ: Service,
R/o. Rajvihar, Tal. Taloda,
Dist. Nandurbar.
2. Shri. Vasant Onkar Patil,
Age: 51 years, Occ: Service,
R/o. Nandurbar, Dist. Nandurbar. ...Applicants

versus

The State of Maharashtra. ...Respondent

...
Mr. Amit S. Savale, Advocate for the applicants
Mr. R.B. Bagul, Addl. Public Prosecutor for respondent
...

CORAM : N.W. SAMBRE, J.

DATE : 26th OCTOBER, 2015

ORAL ORDER :

The applicants herein are seeking pre-arrest bail in Crime No. 41/2015 registered at Taloda Police Station, Dist. Nandurbar for an offence punishable under Sections 406, 408, 409, 477(A) read with Section 34 of the Indian Penal Code. The said offence came to be registered on 07/07/2015 pursuant to a complaint lodged by the District Special Auditor, Class-I (C.S.), Dhule which was based on the audit report.

2. It is case of the prosecution that applicant Nos. 1 and 2 were In-charge Directors of Dhule Nandurbar District Primary Teachers' Co-operative Credit Society Limited, Dhule and while working so, out of their responsibility, total defalcation of Rs.15,95,761/- took place.

3. The allegations against applicant No. 2 Vasant appears to be that he has defalcated amount of Rs.78,410/- in connivance with other office bearers/employees.

4. So far as applicant No.1 Ranjitsing is concerned, there are allegations that he has defalcated amount to the tune around Rs.15,00,000/- and odd.

5. Learned Counsel for the applicants volunteers, that audit objection speaks of defalcation of Rs.78,410/-, which amount applicant No.2 Vasant shall deposit with the investigating agency within period of one week from today. Apart from that, he submits that he shall volunteer himself before the investigating agency for providing specimen signatures and shall also co-operate in further investigation.

6. So far as applicant No.1 Ranjitsing is concerned, the

defalcation appears to be in the capacity of in-charge Director of the branch, as is apparent from the observations made by the statutory auditor in its report. Apart from above, the investigation papers also depicts *prima facie* involvement of applicant No.1 Ranjitsing in the crime in question as the amount was withdrawn from the account of the society but was utilized for other purpose by fraudulently adjusting the account of society.

7. In view thereof, in my opinion, it will be appropriate to reject the application at the behest of applicant No.1 Ranjitsing and accordingly, it stands rejected.

8. So far as applicant No. 2 Vasant is concerned, in view of above undertaking given by him, custodial interrogation is not necessary. In view of above, it will be appropriate, in my opinion, to order his release on bail. Hence, I pass the following order.

9. In the event of arrest, applicant No. 2 Vasant is released on bail, upon executing the P.R. bond of Rs.25,000/- (Rs. Twenty thousand) with one surety in the like amount, in connection with Crime No. 41/2015 registered at Taloda Police Station, District Nandurbar for an offence punishable under Sections 406, 408, 409, 477(A) read with Section 34 of the Indian Penal Code and shall

co-operate with the investigating agency as stated above.

10. Failure on the part of applicant No. 2 Vasant to deposit the amount as volunteered herein above, shall entail the prosecution to move for cancellation of his bail before this Court.

11. Learned Counsel for the applicants, at this stage, makes prayer that applicant No.1 Ranjitsing be granted a week protection.

12. Looking to the nature of accusation against applicant No.1, is *prima facie* involvement in the crime in question, it will be appropriate to reject the same and accordingly rejected.

13. The application stands disposed of in above terms.

[N.W. SAMBRE, J.]