

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 242 OF 2015

Shivdas Dyanu Kadam. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. A.P. Mundargi, Sr. Advocate a/w. Mr. Vikas B. Shivarkar,
advocate for Applicant.

Ms. Veera Shinde, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : MARCH 10, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused papers of investigation.

2 Pursuant to the order dated 25/2/2015, the applicant had
appeared before the Investigating Officer and has cooperated with the
investigating agency to the best of his capacity.

3 Perused the papers, more particularly, the statement of the applicant recorded by the Investigating Officer on 1/3/2015 as well as on 8/3/2015. The applicant has specifically stated that the Constitution of Union endows upon General Secretary all the powers in respect of financial transactions and a duty is casted upon the General Secretary to get the accounts audited. The applicant has given plausible and satisfactory explanations in respect of the transactions which are alleged by the prosecution.

4 He has further informed the police officer that he had extended a hand loan of Rs. 4 Lakhs to Shri Chhagan Shankar Dhavale. On 8/8/2011 Shri Chhagan Dhavale had given him a cheque of Rs. 3,17,444/-. He had objected to the same. However, since they were acquainted with each other, the applicant had reposed faith in Shri Chhagan Dhavale. That he had received an amount of Rs. 50,000/- and Rs. 33,000/- subsequently from Shri Chhagan Dhavale.

5 It prima facie appears that all over control over the financial transactions was of Chhagan Dhavale who has been arrested and enlarged on bail. The Investigating Officer has obtained specimen signature of the accused. Prima facie, it appears from the papers of investigation that custodial interrogation of the applicant would not be imperative. Moreover, the applicant has retired on 1/6/2013. The transactions are pertaining to the year 2010 and 2011. The FIR was filed on 18/12/2014. The applicant has cooperated with the investigating agency. Hence, the applicant has made out a case for confirmation of the order passed on 25/2/2015.

6 The observations made hereinabove are prima facie in nature. The same shall not be considered while deciding application for discharge or quashing of FIR or at the time of trial.

7 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 538 of 2014 registered at Nigadi Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

(iii) The applicant shall report the concerned police station as and when called and cooperate with the Investigating agency to the best of his capacity.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)