

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAILAPPLICATION NO. 1298 OF 2014

Vilas Yashwant Desavale	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

WITH
CRIMINAL APPLICATION NO. 735 OF 2014

Mangesh Shivaji Mane	..	Applicant (Intervener)
In the matter between:		
Vilas Yashwant Desavale	..	Applicant
vs.		
State of Maharashtra	...	Respondent

Mr. P.G.Sarda, Advocate for the applicant
Ms.P.P.Shinde, APP, for the respondent-State.
Mr. Kuldeep S. Patil, Advocate for the Intervenor.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 13th January, 2015.

P.C.

Heard.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in Crime No.5 of 2011 registered at Ashta Police Station for the offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of Indian Penal Code.

3. It is the case of prosecution that one Mangesh Mane filed a complaint against the present applicant alleging therein that they have forged the records of the Trust. According to the complainant, no meetings were held as contemplated under the Bombay Public Trusts Act. However, the records were created to show that meetings were held. It is alleged that the applicant and his subordinate members had prepared a letter-pad to show that the applicant is the President of the Trust. That he obtained loans from the Banks by making correspondence to the Education Officer, Sangli. That the applicant has prepared bogus list of students to show the enhanced number of students in the said School. The order is fabricated. They have not given the statement of accounts at the time of conducting of election and many other allegations. It appears that there is a dispute amongst the members inter-se. There are proceedings pending before the Assistant Charity Commissioner. It is clear that the allegations levelled in the complaint had not been brought to the notice of the Assistant Charity Commissioner. The Change Report approving the management was accepted in the year 2007

4. The learned counsel for the intervener and the learned APP submits that in the course of investigation, it was revealed that the applicant has forged the

Ration cards. However, that would be widening the scope of investigation in the present case. The learned J.M.F.C., Islampur had issued directions under Section 156(3) of Cr.P.C. Pursuant to the said direction, investigation has been set in motion as far as the allegations in the complaint are concerned.

5. The learned counsel for the applicant submits that four co-accused have been protected by way of pre-arrest bail. Hence, the applicant is claiming parity. There are several proceedings pending between the parties before the other authorities. Hence, this would not be a fit case for custodial interrogation.

6. The observations made hereinabove are prima facie in nature and the Sessions Court shall not be influenced by the above observations while deciding the application for quashing of FIR or discharge application or at the time of trial.

ORDER

(i) The application is allowed. In the event of his arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) The applicant shall report to the Investigating Officer on two consecutive Sundays commencing from 18th January, 2015 between 10 a.m. to 12

noon along with the records and co-operate with the investigating agency to the best of his capacity.

Application stands disposed of.

7. Intervention application is heard, allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)