

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1659 OF 2015

Mrs. Savita Ganesh Jadhav & Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr. Ganesh Gole i/b. Ms Meghna Gowalani for the
Applicants.

Ms G.P. Mulekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 8th DECEMBER, 2015.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicants in apprehension of their arrest in Crime No.I-84 of 2015 registered with Bhosari Police Station, Pune, for the offences punishable under sections 406, 409, 420, 465 467 and 468 of the IPC.

2. Mr. Gole, the learned counsel for the Applicant has submitted that the Applicants are not involved in commission of the said crime. He further submitted that the Applicants are the members of the Dhanvarsha Urban Co-operative Credit Society (Patsanstha). He has further submitted that apart from issuing bearer cheques, the

Applicants are absolutely not involved in appropriating the amount withdrawn by Shankar Kale or in cheating the said Credit Society in any manner. He has submitted that on the contrary the Applicants herein had lodged a complaint against said Shankar Kale, who was involved in withdrawing and misappropriating the said amount.

3. The learned APP submits that the auditor report prima facie reveals that the Applicants have misappropriated the said amount in collusion with said Shankar Kale. She has further stated that the statement of Shankar Kale prima facie reveals that he had handed over the said money to the Applicants herein. She has further submitted that there is prima facie material to show the involvement of the Applicants in the said crime. Hence, the Applicants are not entitled for bail.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicants and the learned APP on behalf of the Respondent -State. The records prima facie reveal that the Applicants herein are the office bearers of Dharnwarsha Urban Co-operative Credit Society (Patsanstha). The Applicants had issued four cheques for withdrawal of amount of Rs.7,20,000/-. The said

amount was withdrawn by Shankar Kale. The said amount was to be reflected in daily accounts register and thereafter to be paid to the members. The records prima facie reveal that no such entry was made in the daily account and amount of Rs.7,20,000/- was not paid to the members. In the similar manner on 6.11.2013 and 14.11.2013 cash of Rs.3,00,000/-and Rs.1,90,000/- was handed over to Shankar Kale to deposit in the current account of said society. Said amount was not deposited in the Bank. Thus, prima facie the total amount of Rs.12,10,000/- was misappropriated.

5. The records prima facie reveal that by notice dated 22.1.2014 the Applicants herein had brought to the notice of the said Shankar Kale that amount of Rs.14,10,000/- was misappropriated and called upon said Shankar Kale to deposit the amount of Rs.14,10,000/- in the said credit society. Another co-operative credit society, Rahul Urban Co-operative credit society had lodged a police complaint dated 18.2.2014 against said Shankar Kale, wherein it has also transpired that said Shankar had also misappropriated an amount of Rs.14,10,000/- from Dharnwarsha Urban Co-operative Credit Society (Patsanstha) and issued a public notice dated 4.1.2014 in that regard. By letter dated 7.3.2014 the office bearers of Dharnwarsha Urban Co-

operative Credit Society (Patsanstha) had brought to the notice of Deputy Registrar, Co-operative Credit Society that an amount of Rs.14,10,000/- was misappropriated by Shankar Kale and to get the accounts of the society audited by appointing an auditor. Accordingly, the auditor was appointed and based on the report submitted by the auditor, the FIR dated 22.6.2015 came to be registered against the Applicants herein and said Shankar Kale. Said Shankar Kale is already arrested and is in custody.

6. Having gone through the correspondence and the other records, in my considered view, there is no prima facie material to indicate that the Applicants herein, in connivance with the said Shankar Kale, have misappropriated the said amount or that they were involved in cheating the said society. Considering the nature of the allegations levelled against the Applicants, in my considered view this is not a case which would justify custodial interrogation.

7. Under the facts circumstances of the case, the Application for anticipatory bail is allowed on the following terms and conditions:-

(I) In the event of arrest of the Applicants in
Crime No.I-84 of 2015 registered with Bhosari

Police Station, Pune, the Applicants shall be released on bail bonds of Rs.15,000/- (Rupees Fifteen Thousand only) each with one or two sureties in the like amount to the satisfaction of the Judicial Magistrate, First Class, Pimpri.

(II) The Applicants shall report to the Investigating Officer initially for seven days from 10.00 to 1.00 p.m. and further as and when required by the Investigating Officer for the purpose of interrogation.

(III) The Applicants shall not tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)