

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 984 OF 2016

Mahesh s/o Shivajirao Bagul,
 Age : 41 years, Occu. Service,
 R/o Wadi Bhokar Road, Devpur,
 Dhule, Tq. and Dist. Dhule, at
 present, Purushottam Housing
 Society, B-Wing, Building No. 3,
 Plot No. 16, Panchavati Nashik,
 District Nashik

APPLICANT

VERSUS

1. The State of Maharashtra
2. The Police Inspector/
 Investigation Officer,
 Devpur Police Station,
 Dhule, Tq. & Dist. Dhule

RESPONDENTS

Mr. M.S. Sonawane, Advocate for the applicant
 Mr. M.B. Bharaswadkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 11/03/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is apprehending his arrest at the hands of Devpur Police Station, District Dhule in Crime No. 234/2013, registered for the offences punishable under section 420 and 201 of the Indian Penal

Code, is praying for his release on bail in the event of his arrest.

3. The case papers would reveal that Shri Sai Seva Nagari Patsanstha Limited, Dhule was registered in the year 2002. Since 2007, it became defunct. Thereafter, however, nothing was known regarding the assets and liabilities of the said society. After much persuasion by the Administrator, the then Chairman of the society i.e. accused No. 1 Shivajirao Tikaram Bagul made a statement to the police that he had handed over the papers to the Auditor and within a month, he would submit the same to the Administrator. However, despite lapse of ten months, he did not place the record before the Administrator.

. In the circumstances, the offence came to be registered against the said Chairman as well as the other office bearers of the society and the present applicant who was serving as the secretary in the office of the said society in the year 2007.

4. Learned counsel for the applicant submits that the applicant himself is duped as the society became

defunct. He is no more in job with the said society as is clear from the prosecution allegation itself that the society has become defunct since 2007. Further, the FIR would show that the accused No. 1 – Shivaji Tikaram Bagul had made a statement that the record is with him. Learned counsel, therefore, prayed that the anticipatory bail be granted to the present applicant.

5. Learned A.P.P. opposed the application.

6. When a query was put to the learned A.P.P. regarding arrest of accused No. 1 Shivaji Tikaram Bagul, he made a statement that the said accused No. 1 is absconding.

7. Considering all the facts on record, in my view, the custodial interrogation of the present applicant is not required. In the circumstances, the following order.

8. The interim protection granted by this Court to the present applicant vide order dated 23rd February, 2016 is hereby made absolute on the same terms and

conditions. The present application is accordingly
allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln984-2016