IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2006 OF 2016

Nanasaheb S/o Saloba Sarode,
Age 45 years, Occu. : Private Service,
R/o Bel Pimpalgaon, Tq. Newasa,
District Ahmednagar,
at present resident at S.T. Colony,
Near Mohata Devi Mandir, Bajaj Nagar,
Waluj, MIDC, Aurangabad .. Applicant

VERSUS

The State of Maharashtra
Through City Police Station,
Shrirampur, Tq. Shrirampur,
District : Ahmednagar .. Respondent

Mr. B.G. Sagade, Advocate for the applicant
Mr. A.S. Shinde, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 15/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is apprehending arrest at the hands of Shrirampur City Police Station, Tq. Shrirampur, Dist. Ahmednagar in crime no. 164 of 2013 for the offences punishable under section 408, 420, 465, 467, 468, 471, 427 r/w. 34 of the Indian Penal Code, is praying for his release on bail, in the event of his arrest.

3. The FIR dated 08/06/2013 filed by the complainant i.e. the General Manager of Bhaichand Raichand Raisoni Multistate Co-operative Credit Society Ltd., would show that in Jalgaon branch of the Credit Co-operative society, various cases of misappropriations were noted. One of the transactions is dated 31/10/2011. It is alleged that one Jeevan Bardiya, Manager of the said branch had shown one cheque of Rs.2 Lakhs of Shrirampur branch as credited in the savings bank of Vaishali Sarode i.e. wife of the present applicant and he himself withdrew the said amount and thus misappropriated the same.

4. Thereafter, on 22/8/2014, his supplementary statement was recorded by the Investigating officer. In the said supplementary statement, he gave one additional transaction alleged to have been done by the said Jeevan Bardiya. According to him, the present applicant, in collusion with his wife and said Jeevan Bardiya had from the said savings bank account, withdrew non-existant amount of Rs.16,35,000/- and has committed the misappropriation of the said amount.

5. Learned counsel for the applicant submits that after 14 months of the filing of the initial FIR, this supplementary statement is recorded. He further submits that applicant is not in any way concerned with the same.

6. Learned A.P.P. opposed the application. He submits that a separate transaction was noted by the Head Office of the Society and, therefore, the separate transaction was informed to the Investigating Officer in the nature of supplementary statement, which, in-fact could have been an independent FIR. He submits that in the situation, no anticipatory bail be granted to the applicant.

7. Upon hearing both sides and considering the fact that substantive amount of the co-operative society is lost, merely because the supplementary statement is recorded after 14 months of the filing of the FIR, cannot be a ground for protecting the present applicant. Taking into consideration all these facts on record, in my view, the custodial interrogation of the present applicant would be required. In the

circumstances, the following order:-

8. The Application is therefore dismissed.

[M.T. JOSHI]
JUDGE

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