

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4592 OF 2016

Dipak S/o Damodhar Shirsath .. Applicant

Vs.

The State of Maharashtra and anr. .. Respondents

Mr. D.A. Bide, Advocate for the applicant
Mr. A.S. Shinde, A.P.P. for the respondent/State

CORAM : A.M. BADAR, J.

DATE : 15/09/2016

ORAL ORDER :

The applicant/accused in crime no.I-120 of 2016 for the offences punishable under section 420, 406, 409, 467, 468, 471 of the Indian Penal Code and under section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, by this application under section 438 of the Code of Criminal Procedure, is seeking pre-arrest bail.

2. Heard learned counsel for the applicant. He argued that vouchers are not signed by the present applicant, accounts are managed by the chairman of the society. It is further argued that loans are disbursed

by the board of directors. The applicant is not qualified to hold the post of manager of the society. He has not committed any crime.

3. Learned A.P.P. opposed the application.

4. Perused the chargesheet including the FIR lodged by Ganesh Jounjal, statutory auditor of Sheti Va Bigar Sheti Sahakari Sanstha, Loni Haveli, Tq. Parner ("**co-operative society**" for the sake of brevity).

5. The statutory auditor, in his FIR, has categorically mentioned that in the audit conducted by him, he found that the applicant and co-accused had misappropriated an amount of Rs.13,73,638/-, which was shown as cash in hand with the society. The statutory auditor further alleged that the applicant and co-accused had further misappropriated an amount of Rs.5,50,150/- towards the conveyance and other expenses. According to the statutory auditor, total amount misappropriated by the applicant as well as co-accused comes to Rs.21,28,188/-, which includes the interest thereon.

6. In view of the categorical statements made in the FIR against the applicant regarding misappropriation of funds of the society, no case for pre-arrest bail is made out. Therefore, the following order :-

7. The Application is rejected.

[A.M. BADAR]
JUDGE

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