

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 4877 of 2016

District : Jalgaon

Pralhad Sukdev Jirimali,
Age : 39 years,
Occupation : Agriculture,
R/o. At Post Shelgaon (Talegaon),
Taluka : Jamner,
District : Jalgaon. .. Applicant.

versus

The State of Maharashtra,
Through its Police Inspector,
Erandol Police Station, Erandol,
Taluka : Erandol,
District : Jalgaon. .. Respondent.

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*Mr. Vijay B. Patil, Advocate, holding for
Mr. Jitendra I. Vasave, Advocate, for the applicant.*

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 29TH SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 28/2015
for offences punishable under Sections 420, 406, 409,

120B, read with Section 34 of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interests Depositors Act, 1999, registered with Police Station, Erandol, District Jalgaon, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the applicant worked as Clerk and Officer of Bhaichand Hirachand Raisonni Multi-State Co-operative Credit Society Ltd., Jalgaon, but he never worked as Branch Manager or Divisional Manager at any point of time. The learned Counsel further argued that similarly circumstanced employee is granted anticipatory bail by this Court in Criminal Application No. 2705 of 2015 decided on 2nd July 2015.

3. The learned Addl. Public Prosecutor opposed the application by contending that in the FIR lodged by informant Surekha Shyamlal Totla, name of the present applicant is categorically figuring. The learned Addl. Public Prosecutor further argued that the applicant was hand in glove with co-accused and as such he is not entitled for any relief. It is further argued that in the charge-sheet the applicant is shown as absconding accused.

4. Though the learned Counsel for the applicant has submitted that the applicant never worked as

Branch Manager, etc., the own document of the applicant placed on record by the applicant which is a letter of resignation dated 14.07.2015 in terms shows that the applicant worked as Branch Manager as well as Divisional Manager of the said Society. Be that as it may, the learned Addl. Public Prosecutor could not point out any financial gain by the applicant through the amount deposited by investors. The applicant appears to be salaried employee of the said Society. In discharge of his duty as an employee, he might have dealt with the informant and the fixed deposit made by the informant. However, that by itself cannot connect the applicant to the crime in question unless it is shown that the applicant is benefited by the misappropriation and cheating of investors by co-accused involved in this crime. Another employee of the said Society is already released on anticipatory bail by this Court vide order dated 2nd July 2015 in Criminal Application No. 2705 of 2015. The applicant is also required to be given same treatment.

5. Hence, I pass the following order.

(a) The Application is allowed.

(b) The applicant - accused in the above crime, in the event of his arrest, be released on bail on his executing P.R. Bond in the sum of Rs. 25,000/- and on

furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant shall abide by the following directions :-

(i) The applicant shall attend the concerned Police Station on every alternate Sunday in between 11.00 a.m. and 01.00 p.m., till filing of the supplementary charge-sheet, if any.

(ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(iii) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing charge-sheet, if any, in future against him.

(iv) The applicant shall not repeat commission of similar type of offences in future.

6. The Application stands disposed of in the aforesaid terms.

(**A.M. BADAR**)
JUDGE

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