IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.5171 OF 2016

Manoj s/o Dhondiba Kavde,
Age : 32 years, Occ. Service,
R/o Murud, Tq. & Dist. Latur ..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Station Officer,
Chakur Police Station,
Tq. Chakur, District Latur ..RESPONDENT

Mr P.P. More, Advocate for applicant;
Mr V.S. Badakh, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 30th November, 2016

ORAL ORDER :

Heard.

2. Present applicant apprehends his arrest, in connection with C.R. No.34 of 2016, registered at Chakur police station, for offences punishable under Sections 406, 409, 420 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors Act.

3. As per the first information report, the informant was having an account with Aditya Financial Management Multi State Co-operative Credit Society. He was an account holder for the period from 9th May, 2014 to

13th February, 2015. He had deposited an amount of Rs.2,50,000/-. After operating the account for some time, the balance therein was Rs.1,20,000/-. According to the informant, the Board of Directors – Managing Committee had cheated the informant and cheque of Rs.2,50,000/- given to the informant by the said society had been dishonoured. On that basis, report was lodged against the entire Board of Directors as well as the present applicant who was the General Manager.

4. It is submitted by the learned Counsel for the applicant that in the first information report, it is the specific case of the informant that he was duped by the Board of Directors and the cheque given by the society had been dishonoured. Only because present applicant was the General Manager, he was implicated. According to the applicant, though he had been appointed in June, 2012, he had resigned from said post with effect from 14th May, 2015. It is, therefore, submitted that the applicant is entitled for protection.

5. The application is opposed by the learned Addl. Public Prosecutor, by relying upon the police papers as well as the charge-sheet. He submits that the applicant being a responsible Officer of the society he was equally liable. It is also submitted that various other depositors had also been duped.

6. Perused the first information report as well as the charge-sheet. As per the first information report, the specific allegation by the informant is

against the Board of Directors. The name of the applicant appears to have been added as he was the General Manager. Considering the fact that there are no specific allegations against the applicant in the present crime and he is stated to have resigned from his job on 14th May, 2015, I am inclined to confirm the interim protection granted by this Court.

7. In view of aforesaid, in the event of arrest of the applicant, in connection with C.R. No.34 of 2016, registered at Chakur police station, for offences punishable under Sections 406, 409, 420 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors Act, he be released on bail, on furnishing P.R. Bond of Rs.20,000/- with one surety in the like amount.

(i) The applicant shall attend the concerned police station on 15th December, 2016 and thereafter as per directions of the Investigating Officer.

(ii) No steps be taken to tamper with the evidence collected by the prosecution.

(iii) The applicant shall co-operate with the investigation.

Observations made in this order are only for deciding the bail application. Same is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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