

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1695 OF 2016

The State of Maharashtra. ... Respondent.

Mr. Rahul S. Kulkarni, advocate for Applicant.

Mr. Ganesh Bhujbal, advocate for intervenor.

Mr. Vinod Chate, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J

DATE : NOVEMBER 17, 2016

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 279 of 2015 registered at Yavat Police station, Yavat,

District Pune for offence punishable under section 406, 409, 420 of the Indian Penal Code.

3 The applicant was an employee of Rahu Vividh Karyakari Seva Sahakari Sanstha Ltd., Taluka Daund, District-Pune, registered under the Maharashtra Cooperative Societies Act, 1960. The allegation against the present applicant is that when he was working with the said credit society, there was misappropriation of huge funds, which was revealed at the time of audit. A notice was issued to the president and chairman of the said society.

4 The learned Counsel for the applicant submits that the applicant had not cooperated with the Management of the society for the purpose of verification of the outstanding loan amounts and in respect of the misappropriated funds. According to the learned Counsel for the applicant, the management of the said bank has changed hands and that they are only shifting the onus from one management to another in which the applicant happens to be the scapegoat. The

applicant is almost 70 years old. That he had retired in the year 2006. According to the learned Counsel for the applicant, taking into consideration his efficiency at work he was granted two years extension by the same management. In the facts and circumstances of the case and upon perusal of the papers of investigation, this Court is of the opinion that custodial interrogation of the applicant would not be imperative. Hence, the interim relief granted vide order dated 30th September, 2016 is confirmed.

5 The learned Counsel for the applicant upon instructions also gives an undertaking that the applicant would cooperate with the investigating agency to the best of his capacity.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the

time of deciding the application for discharge or quashing of FIR or at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- and one or two sureties in the like amount.
- (iii) The applicant shall report to the police station as and when called by the investigating officer by issuing notice under section 160 of the Code of Criminal Procedure, 1973 and cooperate with the investigating agency to the best of his capacity.
- (iv) The applicant shall not tamper with the evidence.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)