

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2124 of 2016

Sachin Waman Gaikwad

.....Applicant

V/s.

The State of Maharashtra

....Respondent

...

Mr. Sachin Gite, Advocate for Applicant.

Mr. R.M. Pethe, APP for the State.

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CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 14th DECEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of Cr.P.C. The applicant herein was arrested on 24th June 2016 in Crime No.37 of 2016 registered at the Camp Police Station, District Nashik on 9th June 2016. The investigation is completed and charge sheet is filed against the accused on 29th September 2016 for the offence punishable under sections 420, 406, 409, 467, 468, 477(A) read with section 34 of Indian Penal Code.

2) It is the case of the prosecution that the audit of Bhagur Urban Cooperative Credit Society Limited, Bhagur was conducted for the period

from 1st April 2013 to 31.03.2015 by Jayram Rodu Choure. The Auditor, after scrutinizing the books of accounts, arrived at the conclusion that there has been falsification of accounts and that there is misappropriation of amount more than Rs.7,60,745/-. After receipt of audit report, the Chairman and Vice Chairman of the said Credit Society had called for a meeting of directors and the responsible persons of the said credit society. In the said meeting, one Sanjay Mahale, Secretary of the said Society had disclosed that he has done misappropriation of the said amount and that he is solely responsible for the said misappropriation and that nobody else should be blamed for it. The said disclosure was made in the meeting dated 2nd September 2015. The present applicant was working as a computer operator. The papers of investigation reveal that, on 13th December 2014, Sanjay Mahale had furnished an assurance in detail stating that he along with the present applicant had committed the said misappropriation and that he is willing to repay the whole amount.

3) All the offences are triable by the Magistrate. The applicant has been in custody since almost six months. The applicant deserves to be enlarged on bail as Sanjay Mahale being a Secretary had accepted that he is

solely responsible for this misappropriation. In view of this, the applicant be enlarged on bail. However, Sanjay Mahale shall not claim parity with the present applicant.

4) The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR. discharge application or at the time of trial.

ORDER

(I) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.1,00,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall report to Malshiras Police Station on 1st and 3rd Sunday of each month till framing of charge.

(iv) In the eventuality, the applicant fails to attend any two consecutive dates, the prosecution is at liberty to file an application seeking cancellation of bail.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)