

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

CRIMINAL APPLICATION NO. 2188 OF 2016

Keshar w/o Baban Mehetre,
Age 45 years, Occu. Business
R/o Nagar-Pune road, Kedgaon,
Ahmednagar, Dist. Ahmednagar .. Applicant

Versus

The State of Maharashtra,
through Police Inspector,
Nagar Taluka Police Station,
Ahmednagar, Dist. Ahmednagar .. Respondents

- WITH -

CRIMINAL APPLICATION NO.2201 OF 2016

Ajit s/o Chintaman Kulkarni,
Age 54 years, Occu. Private Service,
R/o 73, Gaothan, Kedgaon,
Ahmednagar, Dist. Ahmednagar .. Applicant

Versus

The State of Maharashtra,
through Police Inspector,
Nagar Taluka Police Station,
Ahmednagar, Dist. Ahmednagar .. Respondents

Mr S.S. Thombre, Advocate for applicants
Mr S.D. Ghayal, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 9th January 2017

PER COURT

1. Both these applicants are the Directors and by virtue of that position are office bearers of Sahyadri Nagari Sahakari Credit Co-operative Society, Kedgaon.

2. The said credit co-operative society has branch at Arangaon which was managed by Manager - Kishor Pawar.

3. Said Kishor Pawar has misappropriated the amount resulting into the regular audit and statutory audit in which Manager is specifically and not the Directors. As such, present application for pre-arrest bail.

4. Attention of this Court is invited to the order passed in Criminal (Bail) M.A. No. 116 of 2016 on 26th February 2016 by learned Sessions Judge, Ahmednagar in the matter of Ambadas Babanrao Garudkar Vs. State of Maharashtra granting pre-arrest bail on the above referred background.

5. Having considered the claims, it is to be noted that the audit report, which audit is pursuant to the provisions of Section 81 of the Maharashtra Co-operative Societies Act does not pinpoint finger of guilt against the applicants. The credit co-operative society of which they are office bearers is very much in operation and in absence of any material to pinpoint the prima facie involvement of the applicants in the crime in question, in my opinion, the applicants are entitled to be released on pre-arrest bail. Hence, the following order:

6. In the event of their arrest in Crime No. I-165/2015, registered at Nagar Taluka Police Station, District Ahmednagar for the offences punishable under Sections 408, 420, 465, 467, 468 of the Indian Penal Code and under Section 81 of the Maharashtra Co-operative Societies Act, the applicants be released on bail upon furnishing P.R. Bond of

Rs.25,000/- (Rs.Twenty-five thousand) each with one or two sureties in the like amount.

7. The applicants shall attend the Investigating Officer as and when called for.

8. The applicants shall not influence the prosecution witnesses or tamper with the prosecution evidence.

9. Both the Criminal Applications stand allowed accordingly.

(N.W. SAMBRE, J.)

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