IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.276 OF 2017

Kalidas Sopan Bahirat ... Applicant

Vs.

The State of Maharashtra .. Respondent

Mr.R.G. Shinde for the Applicant
Mr.Prashant Jadhav, APP, for Respondent – State
Mr.Amol S. Gavali , PSI, Hadapsar police station – present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 15, 2017

P.C. :

1. This application is moved by the applicant/accused for pre-arrest bail as the applicant/accused apprehends arrest in C.R. No.711 of 2016 registered with Hadapsar Police Station, for the offences punishable under sections 420, 406, 465, 467, 468, 471 of the Indian Penal Code. It is the case of the prosecution that one Sanjay Krishna Patil gave information to the police on 20.10.2016 that he is a Special Auditor of a credit society, who conducted audit of Omkar Urban Cooperative Credit Society from 1.4.2010 to 31.10.2011 and he found that there is misappropriation and fraud

of Rs.61,89,255/-. As per the complaint and report, the applicant/accused Kalidas Sopan Bahirat and one Dilip Lohar were working as Vice Presidents of the said credit society during that period and they have abused their position and thus, they all are jointly responsible for financial loss to the society.

2. The learned Counsel for the applicant/accused has submitted that one of the accused Mahadev Sulke was granted pre-arrest bail by this Court and, therefore, he prays for parity. He submitted that the applicant/accused has repaid total amount of Rs.29,000/- and one Anil Chandrakant Kulkarni, Secretary, has given him a certificate on 14.2.2017 tat no dues are outstanding in his account.

3. Learned Prosecutor while opposing this Bail Application, has submitted that the applicant/accused has opened a bogus account in the year 2009 which shows that Rs.1 lakh was taken by him from this account. The learned Prosecutor further relied on one letter dated 22.1.2015 which was given by Anil Chandrakant Kulkarni, the co-accused, against this accused that the amount given by one of the depositors to the tune of Rs.17,231/- was not deposited by the applicant/accused in the said account but he has

used it for himself. He further relied on the notice issued by the society to the applicant/accused.

4. This is a fraud committed in the Credit Society where as per the report of the auditor, nearly 18 persons including the Directors, President, Vice-president, daily collection agents are held responsible for the fraud of Rs.61,89,255/-. The certificate which is issued on 14.2.2017 shows that the applicant/accused has deposited Rs.29,000/- in the credit society. However, the certificate is issued by one of the accused as Anil Chandrakant Kulkarni. There is a fraud of Rs.61,89,255/- and therefore, no pre-arrest bail can be granted.

5. In the circumstances, the Bail Application is rejected.

(MRIDULA BHATKAR, J.)