

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.517 OF 2017

Shri Uttam Hari Aher ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Dinesh kadam i/b Vinod Sangvikar for the Applicant

Mr.Deepak Thakre, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: MARCH 23, 2017

P.C. :

1. This application is moved by the applicant/accused under section 438 of the Code of Criminal Procedure. The applicant/accused is prosecuted for the offences punishable under sections 406, 408, 420, 467, 468, 471 r/w 34 of the Indian Penal Code in C.R. No.5 of 2017 registered with Kalwan police station, Nasik on 7.1.2017 at the instance of Narayan Dhurpatrao Gadhekar, Special Auditor.

2. The applicant had worked as one of the Directors of Bhila Daji Pawar Rural Non-Agricultural Cooperative Society Ltd.,

Kalwan from 2006 to 2016. He is facing allegation that as a Director of the said society, he alongwith cashier and Manager, has conspired and disbursed unaccounted loans to borrowers exceeding their demand and thus, the Society has suffered financial loss of Rs.1,24,77,895/-. Hence, the applicant/accused is prosecuted alongwith the others.

3. The learned Counsel for the applicant/accused submitted that there are total 14 Directors roped in this offence. The learned Counsel submitted that the applicant/accused has not committed any offence. He also submits that the name of the applicant is not mentioned in the audit report. The other Directors are granted pre-arrest bail by order of this court dated 20.2.2017. He, therefore, seeks parity.

4. Learned Prosecutor has opposed the application. He submitted that the applicant/accused has cheated the Cooperative Society and hence, his presence is required for the purpose of investigation.

5. This is the first date. Perused the FIR. Earlier, pre-arrest bail was granted to other Directors as they were ready to deposit

the amounts without prejudice to show their bonafides and therefore, the same view is adopted in the present matter.

Accordingly, the following order is passed:

- a) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount;
- b) The applicant-accused shall cooperate with the Investigating Officer and attend the Economic Offences Wing, Adgaon, Nasik, on every Tuesday between 11 a.m. To 3 p.m.
- c) The applicant-accused shall deposit Rs.5 lakhs within one month i.e., till 13.4.2017 and produce the receipt before the Investigating Officer.
- d) The applicant-accused shall not indulge into any criminal activity;
- e) The applicant-accused shall not abscond or leave India without prior permission of the trial Court and furnish his

permanent address to the Investigating Officer alongwith documentary proof of his address.

f) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. Anticipatory Bail Application is disposed of in the above terms.

(MRIDULA BHATKAR, J.)