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

ANTICIPATORY BAIL APPLICATION NO.572 OF 2017

Madhukar Ramchandra Maid	...Applicant
Versus	
The State of Maharashtra and Ors.	...Respondents

Mr.Dilip Devadiga i/b Mr.R.S.Pawar, for the Applicant

Ms.Rutuja Ambekar, A.P.P for the Respondent-State

API – Sugaonkar, EOW Nashik Rural.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 16 of 2016 registered with the Trimbakeshwar Police Station, Nashik Rural, for the alleged offences punishable under Sections 403, 406, 417, 420, 465, 467, 468, 120B r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant has not committed any offence much less the alleged offence. He submitted that the complaint has been lodged only as a result of some political rivalry. He submitted that the FIR is vague, inasmuch as, no amount has been disclosed in the said FIR i.e. siphoning of the funds from the trust. He submitted that the applicant is ready to furnish a bank guarantee of any amount to show his bonafides.

4. Learned APP opposed the application. She has tendered documents to show the complicity of the applicant. She submitted that the original record of the trust is not available and has been removed from the trust office and as such custodial interrogation of the applicant is necessary. She further submitted that the tender system for giving contracts was not followed by the trust, during the period when the applicant was the Chairman of the Trust i.e. between 1st April, 2015 to 31st March, 2016.

5. Perused the papers including the papers of investigation. It appears that some complaints were made by the complainant earlier in January 2014 and January, 2015 with the same police station. In the

present case, the complainant had filed a private complaint, pursuant to which an order under Section 156(3) of the Code of Criminal Procedure was passed on 15th February, 2016, and FIR was registered on 18th February, 2016. Admittedly, the applicant was the Chairman of the trust between the period 1st April, 2015 to 31st March, 2016. It appears from the papers of investigation and the statement of the two witnesses i.e. Sampat Sonaji Ambore and Vinod Shahane that Contracts were given to them and that bearer cheques were issued to the said persons under the applicant's signature. It appears that no tender system was followed, whilst giving contracts. It also appears from the statements of Sampat Sonaji Ambore and Vinod Shahane that the present applicant alongwith co-accused Santosh Mahale had visited their house and asked them to do the contract work for the trust. The said witnesses have specifically stated that bearer cheques were issued to them under the signature of the applicant and that they had withdrawn the said amounts which ran into lakhs and handed over the cash to Santosh Mahale. The original record of the trust is missing. In the light of the material against the applicant, who was the Chairman of the trust at the relevant time, his custodial interrogation is necessary.

6. Considering the aforesaid, this is not a fit case to grant pre-arrest bail to the applicant.

7. Hence, the Application for pre-arrest bail is rejected and disposed of as such.

8. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

9. Learned Counsel for the applicant states that the applicant will surrender before the appropriate Court on or before 2nd May, 2017, after intimating the Investigating Officer of the date and time of surrender. The said statement is accepted.

(REVATI MOHITE DERE, J.)