

Anand

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

**BAIL APPLICATION NO.1470 OF 2017**

Balasaheb Raghunath Bhoj .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.S.A.Sawant i/b. Mr.S.D.Kadam, Advocate, for  
the Applicant

Mr.S.S.Hulke, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 12.07.2017**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.49 of 2016 registered with the Saikheda Police Station, Taluka – Niphad, District – Nasik, for the alleged offences punishable under Sections 403, 406, 408, 409, 420, 464, 465, 467, 468, 471 r/w 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection

of Interest of Depositors (In Financial Establishments) Act, 1999.

3. Learned counsel for the Applicant states that the Applicant was the Manager, of Sanjivani Gramin Bigar Sheti Sahakari Patsanstha. He submitted that the Chairman and Director of the said Patsanstha have been enlarged on bail by the trial Court. He submits that in the inquiry, held under Section 88 of the Co-operative Societies Act, the Applicant's liability is fixed at Rs.33,00,000/- odd. He submits that charge has been created on the Applicant's property, worth Rs.50,00,000/-, and as such, the amount is secured.

4. Learned APP does not dispute the fact, that the Applicant was the Manager of the said Patsanstha. He also does not dispute the fact, that the Chairman and the Director of the said Patsanstha have been enlarged on bail. He also

does not dispute the fact, that in the inquiry which was held under Section 88 of the Co-operative Societies Act, the liability of the Applicant is fixed at Rs.33,00,000/- odd and that charge has been created on the Applicant's property worth Rs.50,00,000/-. The allegation as against the Applicant and other co-accused is that all of them misappropriated an amount of Rs.2,29,78,297/- of the Patsanstha, during the period 2009 to 2013.

5. Considering the fact, that the allegedly misappropriated amount is secured and the fact, that co-accused have been enlarged on bail and investigation is complete and charge-sheet is filed, the Application is allowed and the Applicant is enlarged on bail on the following terms and conditions:-

**O R D E R**

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with

one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **1<sup>st</sup> Monday of every month** between **10.00 a.m. and 11.00 a.m.** till the conclusion of the trial;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be

at liberty to seek cancellation of the Applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)