IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2162 OF 2017

Namdev Maruti Khedekar ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Dilip Harishchandra Shukla a/w Ms. Geetika Rajput for the Applicant

Mr. S. S. Pednekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 27th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-224 of 2016 registered with the Kalwa Police Station, Thane, for the alleged offences punishable under Sections 406, 420, 468, 471, 477(A) r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that the only allegation *qua* the applicant is, that in the year 2014-2015, the applicant had taken an amount of Rs. 20,000/- from the New Raigad Co-operative

Credit Society Ltd. and had failed to return the said amount with interest. She submitted that taking the prosecution case as it is, no offence as alleged is disclosed *qua* the applicant.

4. Learned A.P.P states that despite the matter being adjourned on two occasions, even today, the Investigating Officer is not present.

5. Perused the papers. From a perusal of the FIR/complaint lodged by Shri Shashikant Shripati Bhandare, the Special Auditor, Class II Cooperative Society (Consumer), Thane, it appears that he was entrusted with the work of carrying out audit of New Raigad Cooperative Credit Society Ltd., on the orders/directions of his Seniors. According to the complainant, in March, 2016, he finished the audit in respect of New Raigad Cooperative Credit Society Ltd. He has alleged that whilst carrying out the audit, he found that the then Manager i.e. Pramod Gole had opened three bogus accounts in the name of Vandana Enterprises, T.D.C Bank and agent, and had transferred amounts in the said accounts. It is also alleged that Shri Gole sold the office of the said Credit Society to one Mr. Chaulkar for Rs. 25,000/- and misappropriated an amount of Rs. 1.13 lakhs odd.

6. As far as the present applicant is concerned, the only allegation as reflected in the FIR, is that in the year 2014-2015, the applicant had taken an amount of Rs. 20,000/- vide voucher No. 382 dated 11th August, 2014 from the said Credit Society and had not returned the same thereafter. It is alleged that notice was given to the applicant, however, he refused to accept the same. This is the only allegation *qua* the applicant. Learned A.P.P is unable to point out any other material *qua* the applicant, as the Investigating Officer is absent. Twice, time was sought by the learned A.P.P on the said ground.

7. Considering the material on record, further detention of the applicant is not necessary. The application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station, as and when called, till the filing of the charge-sheet;

(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 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.

8. The application is accordingly disposed of.

9. 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.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.