

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

ANTICIPATORY BAIL APPLICATION NO.2081 OF 2016

Mahadeo Haribhau Sulake Applicant

versus

State of Maharashtra ... Respondent

Mr.Milind Deshmukh, Advocate for the Applicant.

Mr.Vinod Chate, APP for the State/Respondent.

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 25th JANUARY, 2017.

P.C. :

1. This anticipatory bail application is preferred under section 438 of Cr.P.C. The applicant/accused is booked in C.R.No.711/16 for committing offences punishable under section 420, 406, 465, 467 and 472 of the Indian Penal Code of Hadapsar Police Station.

2. The offence is registered at the instance of one Sanjay Krushna Patil, the auditor in the office of Deputy Director of Co-operative society. He as a part of his duty when audited

accounts of one Omkar Nagari Sahakari Patsanstha Ltd. at Hadapsar, he found that there was misappropriation of amount of total amount of Rs.61,89,255/- during the period from 01/04/2010 to 31/03/2011. He found that office bearers of that cooperative society had opened a bogus account and have cheated the cooperative society. So he gave complaint and in his complaint he made very specific allegations against the applicant/accused Mahadeo Sulake, who worked as a Secretary during that period.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused has not committed any offence. He worked at the relevant time as a Secretary. The applicant/accused has raised objection about the working of the society. He himself had sent one letter dated 01/12/2010 and in the said letter he has highlighted number of lapses in the working of the society and so also gave all the details about such lapses and irregularities and expressed the fear that this would lead to misappropriation of the funds of the society. Thus, as per

the statement of the learned counsel for the applicant/accused he tried to make aware to the Chairman and the office bearers of the society and subsequently he was removed from the society.

4. The learned prosecutor submitted that Investigating Officer is not present. However, he opposed the bail application. He relied on the order passed by this Court dated 19/01/2017 where the investigating Officer was directed to remain present. The learned prosecutor submitted that on the letter dated 01/12/2010 there is no acknowledgment of the members of the society. Hence it is doubtful whether such letter was sent or not.

5. Perused the papers and the letter dated 01/12/2010 i.e. correspondence between the applicant/accused and the members of the society. I also relied on the order dated 19/01/2017 passed by this Court at the time of interim pre-arrest bail. Considering this, prima facie, there is nothing on record to show that the applicant/accused was the beneficiary of

this amount. In view of this, I do not find necessity of his custodial interrogation. Hence I confirm the interim bail dated 19/01/2017 with the same bail bond and is directed to attend the police station as and when called.

(MRIDULA BHATKAR, J.)