

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (ABA) NO. 84 OF 2017

(SHIRISH HARISCHANDRA KULKARNI...VS.. STATE OF MAH. THR. P.S.O. CIVIL LINES, AKOLA)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V.Sirpurkar, Advocate for Applicant.
Shri T.A.Mirza, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 15, 2017.

Heard.

The applicant, apprehending arrest in crime registered against him and others for the offences punishable under Sections 408, 409 and 420 of the Indian Penal Code, has sought pre-arrest bail.

The accusations against all the accused are that they have hatched conspiracy and defrauded the Government by misappropriating the amount of Rs.18,17,180/-. It is alleged that the bogus claims on behalf of 57 farmers regarding crop compensation came to be made, that amount was sanctioned, cheques were issued by the District Central Co-operative Bank Ltd. and then those cheques which were issued in the names of the farmers were collected by co-accused D.N. Deshmukh who was working as Secretary and Regional Manager, Mahabeej Credit Society at the relevant time. That D.N. Deshmukh and co-accused Prabhakar-Clerk of Mahabeej Credit Society, Kisanrao Bambre (Manager of Mahabeej Credit Society) had put seal of Mahabeej Credit Society on the cheques in question and the cheques were

presented for encashment to the District Central Co-operative Bank and then the cheques are honoured and the amount is credited in the account of Mahabeej Credit Co-operative Society.

With the assistance of the learned A.P.P., I have examined the case diary. The Investigating Agency has not been able to show active participation of the applicant in the entire procedure. It is not the case of the Investigating Agency that the amount is received by the applicant. It has come on record that the applicant was working as Clerk and also holding charge of the post of Cashier, Mahabeej Credit Society at the relevant time. This Court has granted protection to the applicant by interim order passed on 13th February, 2017. It is not the grievance of the non-applicant that the applicant has misused the protection and has not co-operated with the Investigating Agency. The applicant has stated that he is not involved in any other crime/ offence earlier.

Considering the facts on record, in my view, the interim protection granted in favour of the applicant is required to be confirmed.

The interim order passed on 13th February, 2017 is confirmed. The application is **allowed** accordingly.

JUDGE