

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

CRIMINAL APPLICATION (ABA) NO.92/2017

Smt. Amita W/o Percy Joseph

..Vs..

The State of Maharashtra, through Police Station Officer, Gondia City

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

Court's or Judge's orders

Shri P.V. Rajurkar, Adv. for the applicant.
Shri A.D. Sonak, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 16.6.2017.

Heard.

The applicant, apprehending arrest in crime registered against her for the offence punishable under Sections 420, 409, 467, 471 and 477-A read with Section 34 of the Indian Penal Code, has sought pre-arrest bail.

The crime is registered against the applicant and others on the complaint of Rakesh Ramesh Hotchandani who got elected as Member of Executive Body / Management of the trust administering the school. According to the complainant, the accused misappropriated an amount of Rs.46,17,495/- during the period 2010-2011 to 2014-2015 by charging more amount towards fees from the students and preparing forged receipts and depositing lesser amount in the account of the school.

The applicant was working as Headmistress of the school during some part of the above referred period.

This Court has granted interim protection to the applicant by the order dated 16th February, 2017. The investigating agency has not made any complaint against the applicant that she has misused the protection granted by this Court or has not co-operated with the investigation. On query, the learned Advocate for the applicant has submitted that the proceedings for action against the trustees / persons connected with the trust for defalcation / misappropriation have not been initiated under the provisions of the Maharashtra Public Trusts Act, 1950.

Considering the facts of the case, in my view, the protection granted by this Court by the order passed on 16th February, 2017 is required to be confirmed. The application is **allowed** accordingly.

JUDGE

Tambaskar.