

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

CRIMINAL APPLICATION (BA) NO.904/2017

Khemdeo s/o Mahadeo Deshmukh ..vs.. State of Maharashtra through PSO
P.S. Jawahar Nagar, Dist. Bhandara

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

Court's or Judge's orders.

Mr. N. M. Jibhkate, Advocate for applicant.
Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 28, 2017

Mr. N. M. Jibhkate, Advocate for applicant
and Mr. T. A. Mirza, A.P.P. for non applicant-State.

The applicant is arrested in connection with
Crime No.27/2017 registered with Police Station,
Jawahar Nagar, Bhandara for an offence punishable
under Sections 406 and 409 of the Indian Penal Code
and Section 3 of the Maharashtra Protection of Interest
of Depositors Act. The investigation in the present matter
is over. The investigating officer has already completed
the entire investigation.

The FIR is lodged by one Shrikant Shridhar
Tupe, District Special Auditor of Cooperative Societies.
According to the FIR, after completion of the audit of the
Vidarbha Gramin Bigar Sheti Sahakari Pat Sanstha
Maryadit, having registration No.345, he noticed that
there is a defalcation of an amount of Rs.18,00,000/-
and odd. According to the prosecution, the applicant is
the Manager of the said society and therefore he is
responsible for misappropriation, defalcation and

swindling of amount of depositors with the said credit cooperative society.

The entire investigation is over. The applicant is arrested on 17.05.2017. No reason is submitted by the prosecution for his continuation in the jail custody. The applicant is having deep roots in the society. The statement of the learned counsel for the applicant appears prima facie correct in view of the fact that he is serving in the society. Therefore, in my view, the applicant can be released on bail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.904/2017 is allowed.
- (ii) Applicant-Khemdeo s/o Mahadeo Deshmukh be released on bail in connection with Crime No.27/2017 registered with Police Station, Jawahar Nagar, Bhandara for an offence punishable under Sections 406, 409 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors Act, on he executing P.R. Bond in the sum of Rs.50,000/- with two solvent sureties in the like amount.
- (iii) The applicant shall not cause any action which will ultimately result into prejudice to the prosecution case.

The application stands disposed of.

JUDGE