

Nalawade

(914)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICTION NO. 1776 OF 2018

Balkrishana L. Kumbhar	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

WITH
ANTICIPATORY BAIL APPLICTION NO. 1777 OF 2018

Narsapa T. Ambi	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

WITH
ANTICIPATORY BAIL APPLICTION NO. 1778 OF 2018

Shrikant A. Biraje	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

WITH
ANTICIPATORY BAIL APPLICTION NO. 1779 OF 2018

Kallappa B. Hupare	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

WITH
ANTICIPATORY BAIL APPLICTION NO. 1780 OF 2018

Ananda A. Pawar	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

WITH

ANTICIPATORY BAIL APPLICTION NO. 1781 OF 2018

Dastagir S. Sutar	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

WITH
ANTICIPATORY BAIL APPLICTION NO. 1782 OF 2018

Jambukumar D. Chougule	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

WITH
ANTICIPATORY BAIL APPLICTION NO. 1811 OF 2018

Padmashree A. Hulle	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

WITH
ANTICIPATORY BAIL APPLICTION NO. 1812 OF 2018

Kalavati Kumbhar	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

WITH
ANTICIPATORY BAIL APPLICTION NO. 1856 OF 2018

Sanjay G. Kamalakar	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

WITH
ANTICIPATORY BAIL APPLICTION NO. 1857 OF 2018

Sanjay Babu Hupre	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

WITH
ANTICIPATORY BAIL APPLICATION NO. 1858 OF 2018

Shantabai Bapuso Muchitey ...Applicant.
vs.
The State of Maharashtra ...Respondent.

AND
ANTICIPATORY BAIL APPLICATION NO. 1869 OF 2018

Ashok Sitaram Kamlakar ...Applicant.
vs.
State of Maharashtra ...Respondent.

Mr. P. D. Pise for the Applicant in ABA NO.1776/2018 to 1782/2018.
Mr. Tejas Hilage for the Applicant in ABA No.1811/2018 and ABA No.1812/2018.
Mr. Kedar Patil for the Applicant in ABA No.1856/2018 to 1858/2018 and ABA No.1869/2018.
Smt. J.S.Hulke, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.
DATE : 7th December, 2018

P.C.

1. The applicants are apprehending arrest in CR No.189 of 2018 dated 29.6.2018 registered with Hathkanangale Police Station, District Kolhapur under Sections 403, 406, 408, 409, 417, 420, 467, 468, 471 read with 34 of the Indian Penal Code.
2. Heard the learned counsel appearing for the respective applicants and the learned APP. Perused the record.

3. The first information report is lodged by Shri. Shivling S. Teli, a Government Auditor. The applicants herein are the Directors of Shri Laxmi Nagari Sahakari Path Sanstha Limited, Rui, Tal. Hathkanangale, District Kolhapur. It is the allegation against the applicants that, when the Auditor conducted audit for the period from 1.4.2015 to 31.3.2017 it came to his notice that, the applicants in connivance with other members have committed misappropriation/defalcation of the funds of the society to the tune of Rs.7,05,44,686.83/-.

4. The Investigating agency is seeking custody of the applicants basically for the purpose of recovery of the said amount.

5. The record indicates that, in pursuance of the report submitted by the Auditor to the Competent Authority appointed under the Maharashtra Co-op. Societies Act, an enquiry under Section 88 of the said Act read with Rule 72(3) of the Maharashtra Co-op. Societies Rules 1961 was conducted by the said Competent Authority and the said Competent Authority after conducting a detailed enquiry has submitted a report dated 26.11.2018. In the said report the applicants herein have been exonerated from the charge of

misappropriation. The competent authority has held that, five other named persons therein are responsible for the said misappropriation of the funds of the said society.

It is to be noted here that, the first informant Mr. Shilving Teli, a Government Auditor while deposing before the Authorized Officer/Competent Authority has stated that, when there was a delay on his part in initiating action against the applicants, the District Auditor Class-1 issued a letter to the effect that why action should not be initiated against him and therefore, he has lodged the present crime impleading all the Directors.

6. In view of the above, the custodial interrogation of the applicants for further investigation of the present crime is not necessary and the applicants deserves to be protected by pre-arrest bail.

Hence, the following order.

a) In the event of arrest in CR No.189 of 2018 dated 29.6.2018 registered with Hathkanangale Police Station, District Kolhapur, the applicants shall be released on bail on their furnishing PR bond of Rs.15,000/-each with one or two local sureties in the like amount.

- b) The applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

Applications are allowed in the aforesaid terms.

(A.S.GADKARI, J.)