

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

ANTICIPATORY BAIL APPLICATION NO.73 OF 2018

Mahadeo Audumbar Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2188 OF 2017**

Ramkrishna Narayan Javalekar	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Ganesh Gole I/b. Mr. Ateet Shirodkar for the Applicant in ABA/73/2018.

Mr. Aniket Nikam I/b. Mr. Aashish Satpute for the Applicant in ABA/2188/2018.

Mr. N.B. Patil, APP for the Respondent-State in ABA/73/2018.

Mr. S.H. Yadav, APP in ABA/2188/2018

Mr. S.N. Godse, Head Constable Karkamb Police Station is present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd SEPTEMBER, 2018.

P.C.:-

These are applications under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R. No.264 of 2017 registered with Karkamb Police Station, District-Solapur, for the offences punishable under Sections 406, 409, 420, 465, 467, 468 and 471 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Ganesh Gole, the learned counsel for the Applicant-Mahadeo, Mr. Aniket Nikam, the learned counsel for the Applicant-Ramkrishn, Mr. N.B. Patil, the learned APP and Mr. S.H. Yadav, the learned APP for the Respondent- State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. Case of the prosecution in brief is that Bappaji Chaburao Pawar, Government Auditor, had lodged the FIR that the secretary and other members of the Shetkari Vividh Karyakari Seva Society Ltd., Patwardhan, Kuroli, Taluka-Pandharpur, had fraudulently misappropriated amount of Rs.7,91,725/- by fabricating withdrawal slips and other documents. Pursuant to the said FIR crime was registered against the Applicants- Mahadeo and Ramkrishna, who are the Secretary and Chairman respectively of the said Credit Society.

4. The records reveal that by orders dated 16th January, 2018 and 18th December, 2017 these Applicants were granted interim bail. They were directed to cooperate with the investigation and to report to the concerned Investigation Officer as and when called. The learned

APPs concede that the Applicants have reported to the Investigation Officer as directed. They have further submitted that the amount, which has been misappropriated has already been recovered from the co-accused.

5. Considering the above facts and circumstances, in my considered view the case does not warrant custodial interrogation. Under the circumstances and in view of discussion supra, the applications are allowed on following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No.264 of 2017 registered with Karkamb Police Station, District-Solapur, the Applicants are ordered to be released on bail on furnishing bail bonds of Rs.50,000/- each with one or more solvent sureties in the like amount to the satisfaction of the concerned Investigation Officer.
- (ii) The Applicants shall report to the Investigation Officer as and when required and called by the Investigation Officer.
- (iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to

the concerned Investigation Officer.

(iv) The Applicants shall not change their residential addresses without prior intimation to the concerned Investigation Officer.

(v) The Applicants shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
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