

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 787 OF 2018**

Shri Umesh Ananda Sonawane

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Anand Patil i/by Anand Patil & Associates for the Applicant.

Mr. A.A. Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 5th JUNE, 2018.

P.C.:-

The Applicant is apprehending arrest in CR No. 143 of 2018 dated 5th March, 2018, registered with Ghatkopar Police Station, Mumbai under Sections 406, 420, 465, 468, 471 r/w Section 34 of the Indian Penal Code and under Section 34 of Information and Technology Act.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record.

3 The prosecution case in brief is that, the Applicant was working as a Manager with Prasad Co-operative Credit Society situated at Kamani, Kurla (West), Mumbai. That, during his tenure as

a Manager, it is alleged that the Applicant alongwith other accused persons has defalcated a total sum of Rs.1,66,10,000/- of the funds of the said Co-operative Credit Society. In the premise, the first information report dated 5th March, 2018 has been lodged by Mr. Deepak Sonawane, the Chairman of the said Co-operative Credit Society.

4 The learned counsel for the Applicant submitted that, as a matter of fact, prior to about 20 days of lodgment of the present crime, the Applicant had made various representations to the Police Department, Co-operative Department and also to the Government of Maharashtra, thereby exposing the fraud played and/or committed by the Chairman of the said Credit Society, siphoning of funds of the said Society. However, all the concerned Departments did not take cognizance of his Complaint. He submitted that, the Chairman of the said Co-operative Credit Society after having knowledge of the said representations, has filed the present crime as a counter-blast. He further submitted that, the Applicant has been falsely implicated in the present crime. He therefore, prayed that the Applicant may be protected by pre-arrest bail.

5 The learned APP submitted that, the Investigating Officer

Mr. Deepak Mayekar, PI, attached to the Ghatkopar Police Station, Mumbai has filed an affidavit dated 4th May, 2018, placing on record the progress of investigation and the role played by the Applicant in the present crime. The learned APP submitted that, the involvement of the Applicant in the present crime is apparent and therefore, the Application may be rejected.

6 The First Information Report would reveal that, during the tenure of the Applicant as a Manager of the said Co-operative Credit Society, it is alleged that the Applicant along with the Accountants (Co-accused) of the said Society, has committed defalcation of the funds of the said Society to the tune of Rs.1,66,10,000/-. During the course of the investigation, it is revealed that the Applicant has committed fraud in 1400 accounts maintained by the said Society and by creating unauthorized entries and back dated entries has caused wrongful monetary loss to the said Credit Society. It is further revealed during the investigation that, the Applicant has also issued bogus Fixed Deposit Certificates and pass-books to many Account holders. Some of the said passbooks have been seized by the Investigating Officer by effecting a panchanama dated 17th March, 2018. It is further revealed in the investigation that, the amount

alleged to have been defalcated by the Applicant and the co-accused has not been deposited with the said Credit Society.

It appears that, when the said Credit Society realized the defalcation committed by the Applicant and the other accused and after sensing the danger of lodgment of crime against the Applicant, with a view to camouflage his misdeeds, the Applicant has made the said representations with various Authorities, as noted earlier.

7 Perusal of the record would indicate that, there is sufficient material available on record against the Applicant, showing his clear complicity in the present crime. The investigation of the present crime is at a crucial stage. The Investigating Officer is yet to recover various documents, which are in the possession of the Applicant.

8 After taking into consideration the material of investigation, serious allegations against the Applicant and the gravity of the offence, this Court is of the view that, the Applicant does not deserve to be protected by pre-arrest bail.

9 Application is accordingly rejected.

(A.S. GADKARI, J.)