IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2001 OF 2018

Sanjay Damu Kadam … Applicant
Vs
The State of Maharashtra ... Respondents

…

Mr. N.R.Bubna for the Applicant.
Mr. A.D.Khamkhedkar, APP for the Respondent-State.

CORAM :SANDEEP K. SHINDE J.
DATE : 20 DECEMBER, 2018

P.C. :

The applicant is apprehending arrest in Crime NO.I-133 of 2017 registered under Sections 465, 466, 468, 464, 477, 471, 420, 406, 408, 417 read with Section 34 of the Indian Penal Code, 1860.

2 Heard the learned counsel for the Applicant and the learned APP for the State.

3 On 28th September, 2018 interim protection was granted to the applicant.

4 Perused the complaint. Certified auditor conducted audit of the society for the period from 1.4.2013 to 31.3.2016. On scrutiny of the accounts, he found and thus reported that society's funds were misappropriated to the extent of the Rs.10,24,441/- by the Secretary Mr. Dattatraya Shankar Ahire. Thus, the complaint was lodged against the members of the Board of Directors, Secretary of the society and the present applicant.

5 It is submitted by the learned counsel for the applicant that the applicant is an employee of the District Central Co-operative Bank, Nashik. It is submitted that the applicant being inspector is required to verify books of accounts maintained by the society. It is submitted that the applicant found cash balance in the accounts Rs.469.81 paise as on 2.7.2014 and Rs.108/- as on 27.9.2014. These balances were confirmed and certified by the Secretary of the society. He has invited my attention to such certificates.

6 It is thus, argued by the applicant that merely because in the audit, it is revealed that the Secretary though recovered loan amounts from farmers, who are eventually members of the society but has not been deposited, the applicant cannot be held accountable for the same.

7 It is the prosecution's case that audit has revealed the fact that the Secretary of the society though recovered the loan amount from the farmers but did not deposit it with the society. Resultantly, cash in hand shown in the books of accounts was far less. It is submitted by the prosecution that the applicant being Inspector ought to have verified these facts also but having failed to do so, he abetted the commission of crime of misappropriation of funds.

8 It may be stated that inspector is required to verify the books of accounts on the basis of documents available on record. As on the given dates cash in hand shown in the books of accounts, being certified by the Secretary to be true and correct, it cannot be

said that applicant was negligent in verifying the accounts. Thus, prima-facie, I am of the view that the applicant cannot be blamed for not crediting the amount in the books of the society which was recovered from the farmers towards repayment of the loan. Hence, the following order:

(I) In the event of arrest of the applicant in Crime No.I-133 of 2017 registered with Deola Police Station, Nashik, he is directed to be released on PR bond in the sum of Rs.75,000/- with one or more sureties in the like amount.

(II) The applicant shall attend the concerned police station and co-operate with the investigation.

(III) The applicant is directed to attend the concerned police station once in a week commencing from 24.12.2018 on each Monday between 11 a.m. to 2 p.m. for a period of two months.

(IV) He shall not tamper the prosecution evidence in any manner whatsoever.

(V) Application is disposed of.

(SANDEEP K. SHINDE, J.)