

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

ANTICIPATORY BAIL APPLICATION NO. 2192 OF 2018

Anil Yashwant Suryawanshi

...Applicant.

Vs.

The State of Maharashtra

...Respondent.

Mr.J.M.Pathade for the Applicant.

Smt. Rutuja Ambekar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE 14th December, 2018

PC :

1. This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No.280 of 2016 dated 17.12.2016 registered with Malegaon Police Station, District Nashik under Section-409 of the Indian Penal Code.

2. Heard the learned counsel for the applicant and the learned APP. for the State. Perused the record of investigation.

3. The first information report is lodged by Mr. Vasant H. More, a Government Auditor, Class I, Co-op. Societies, Malegaon, District Nashik. It is the prosecution case that, the principal accused namely Umesh Hire is the Secretary of Vividh Karyakari Seva Sanstha Society, Chikhalavhol,

Taluka Malegaon, District Nashik committed defalcation of Rs.24,25,600/-. It is alleged that, the said Secretary collected amounts from the members of the said society and gave bogus receipts in that behalf and without depositing the said amount in the treasury of the society has misappropriated the amount. The allegation as against the applicant is that, he helped Mr. Umesh Hire in preparing the bogus receipts and other documents which are used in the present crime.

4. The learned counsel for the applicant submitted that, the applicant is neither member or office bearer of the said society and has nothing to do with the present crime. He submitted that, the concerned Deputy Registrar who conducted the enquiry has reached to a conclusion that, it is Umesh Hire who is solely responsible for the mis-appropriation of the funds of the society. He further submitted that, the investigation of the present crime is also completed and therefore, no purpose will be served by taking the custody of the applicant. He therefore, prayed that the applicant may be protected by pre-arrest bail.

5. The first information report lodged by Mr.Vasant More, Government Auditor, Class-I, Co-op. Societies, Malegaon, District Nashik is self

eloquent. The principal accused namely Umesh Hire has alleged to have been collected amounts from the members of the said society and has issued bogus receipts in that behalf and without depositing the said amount in the treasury of the Society, has ultimately committed misappropriation and defalcated amount of Rs.24,125,600/-.

6. The record of investigation indicates that, the applicant has helped the principal accused Umesh Hire in manufacturing and/or creating the said alleged bogus receipts and other related documents which are given to the members of the said society who have deposited their money with the society.

7. After taking into consideration the aforestated facts, the gravity of the offence and serious allegations against the applicant, this Court is of the view that, the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S. GADKARI, J.)