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

ANTICIPATORY BAIL APPLICATION NO.2622 OF 2018

Sandip Pabhakar Patil

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Pritam Runwal for Applicant.

Mr. S.S. Hulke, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 19th December 2018.

P.C.:

1] The applicant is apprehending arrest in CR No.I-107 of 2018 dated 1.10.2018 registered with Kalwan Police Station, Nashik under sections 406, 409, 420, 465, 467, 471, and 477A of Indian Penal Code.

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

3] The first information report is lodged by Shri Narayan D. Gadhekar, Special Auditor Class-2 (Flying Squad), Co-Operative Society, Nashik. It is stated that, the audit of Jay Saptashrungi Rural Non Agricultural Co-Operative Credit Society Ltd., Kalwan, Nashik was conducted for a period from 1.4.2012 to 31.3.2017 and it was noticed that,

the applicant was working as a Manager of the said Credit Society during the said period. That the audit of the said Credit Society was not conducted during the said period from 1.4.2012 to 31.3.2017. The said Auditor noticed that, the applicant being a Manager of the said Society has committed misappropriation/ defalcation of sum of Rs.30,95,976/- of the said Society. Various other irregularities committed by the applicant have been mentioned in the first information report itself.

4] The learned counsel for the applicant submitted that, the applicant was never officially appointed as a Manager, but was appointed as the provisional Manager since 2010 and it is improbable that the applicant will commit such crime being a Manager of the said Credit Society. He therefore prayed that the applicant may be protected by pre-arrest bail.

5] It is to be noted here that, it is the fact on record that the applicant was performing the function as a Manager of the said Credit Society. The instances of irregularities leading to misappropriation of the public funds are attributed to the applicant alone being the Manager of the said Society. There is no reason for the Special Auditor (Flying Squad) to falsely implead the applicant as an accused in the present crime. The record

clearly indicates the involvement of the applicant in the present crime. The defalcated amount belongs to the people who have deposited their funds in the said Credit Society needs to be recovered from the applicant.

6] In view of the above and after taking into consideration the gravity of 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.)