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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 456 OF 2019**

Jagannath Mahadeo Kadrekar

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. M. Kochrekar i/b Mr. Kafil A. Khan for the applicant
Smt. J. S. Lohokare APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : FEBRUARY 21, 2019.****P.C.**

In Crime No. 157/2018 registered with Malvan Police Station for offence punishable under Sections 406, 420, 465, 467, 471 of the Indian Penal Code, applicant is seeking pre-arrest bail.

2 It is the case of the applicant that he is the Chairman of a registered Society. Pursuant to a scheme floated by the Government of India, based on a public private partnership, project finance was made available to the extent of Rs. 2,50,00,000/-. Applicant,

claiming to be president of the said Society/Trust claimed to have been invested an amount of Rs. 90 Lakhs in construction of houseboat and Rs. Ten Lakhs towards purchase of speedboat.

3 According to the learned counsel for the applicant, the said amount of Rs. 2,50,00,000/- is in the form of loan and requires to be repaid after period of 10 years. The instruments viz. speedboat and the houseboat are required to be put to practical purpose i.e. educating the students in an Industrial Training Institute managed by Trust/Association of which applicant claims to be a president.

4 The case of prosecution is the applicant in the capacity of President of the said Education Society had purchased speedboat from the funds of Education Institution, however, got it registered in his individual/personal name, whereas no houseboat is available. What has been shown to investigating agency is a general fishing boat.

5 In the aforesaid background, the submissions of the learned

counsel for the applicant is, purchase of speedboat is in the name of Society. In the certificate of registration, even if the name of the present applicant is shown, however, same is in the capacity of Chairman of the said Educational Institution. The next submission is, even if the houseboat is not in order, the same is only for the purpose of providing training to the students taking up education in the Industrial Training Institute so as to enhance their practical skills.

6 The investigation papers reveal non existence of houseboat. What is in existence is fishing boat. The public money of almost Rs. 90 Lakhs is claimed to have been availed of by the applicant in the capacity of Chairman of Education Trust and were not put to use for which it were disbursed/meant.

7 In the aforesaid background, what is noticed is the necessary ingredients of the offence punishable under sections 406, 420, 465, 467, 471 are made out.

8 Apart from above, the very intention of the applicant of registering speedboat purchased out of funds provided for Educational Institution in his own name as is apparent from the registration certificate is sufficient enough to infer the criminal intentions. That being so, no case for grant of pre-arrest bail is made out, application stands rejected.

[NITIN W. SAMBRE, J.]