

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

ANTICIPATORY BAIL APPLICATION NO.2655 OF 2019

Ravindra Bhagwan Nikam

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....
Mr.Chetan S. Damre, Advocate for the Applicant.

Mr.H.J. Dedhia, APP for the Respondent – State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : DECEMBER 04, 2019.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.213 of 2019, registered on 19th November, 2019, with Malegaon Chavani Police Station, Nashik Rural, for the offences punishable under Sections 406, 420, 465, 467 and 471 of Indian Penal Code (“IPC”, for short).

2 The case of the complainant is that he is the chairman of Girna Education Society, Malegaon. Girna Primary School is one of the educational institution of said society. Applicant is principal of the educational institution and look after management regarding functioning of committee for implementing scheme for

providing meal, dress etc., to students conducted by Government. The applicant allegedly siphoned Rs.1,22,000/-. He withdraw the amount by cheque dated 19th August, 2017 and deposited amount in his personal account. The complainant filed private complaint seeking investigation under Section 156(3) of Cr.P.C. In pursuant to directions of Court, FIR was registered.

3 Learned Counsel for the Applicant submitted that the applicant has not utilised any amount for his own use. During the year 2016-2017, the amount is deposited by Government in bank account of institution towards Shaleya Poshan Aahar Scheme. Whereas due to demonetization, cheques were not honoured. Resolution dated 18th August, 2017, was passed by school management committee and it was decided that applicant shall himself invest the amount for implementing scheme and disburse amount by issuing voucher to vendors and the amount be diverted to his personal account. The applicant has disbursed amount by issuing vouchers receipts. The enquiry was conducted with regards to above fact and report submitted on 15th June, 2019. It was revealed that all persons had admitted receipt of amount in cash as per voucher entries. It is submitted that there is no evidence that the Applicant has misappropriated the amount. The complainant is on enmical terms with the Applicant.

He is not chairman nor holding any post in Girna education society. The Applicant had filed a complaint against the complainant in which directions were issued under Section 156 of Cr.P.C. FIR is registered vide C.R.No.69 of 2019. As a counter blast of the said complaint, the present complaint is initiated in which the Court has directed investigation under Section 156 (3) of Cr.P.C.

4 I have perused the documents on record. It is apparent that the Applicant is the principal of the school. The Resolution passed by the School Managing Committee, which is annexed to this Application supports the contention of the Applicant. It is also apparent that the Applicant had filed prior complaint which is pending under investigation. There is no element of misappropriation. Taking into consideration the factual matrix of the case, custodial interrogation of the Applicant is not necessary. He can be directed to co-operate with the investigation.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.2655 of 2019,
is allowed;

- (ii) In the event of arrest of the Applicant in connection with C.R.No.213 of 2019, registered on 19th November, 2019, with Malegaon Chavani Police Station, Nashik Rural, he be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report to investigating officer of the concerned police station on 10th to 12th December, 2019, between 10:00 a.m. to 12:00 noon, and, thereafter, as and when called for till filing of charge-sheet;
- (iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)