

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (ABA) No.253 of 2019

Arun Laxman Makhmale

Vs.

State of Maharashtra

and

Criminal Application (ABA) No.255 of 2019

Vidya Vijay Makhmale and others

Vs.

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.A.Naik, Advocate for applicant/s.
Mr. H.R.Dhumale, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 7, 2019

The applicants in these two applications have approached this Court apprehending arrest in connection with FIR dated 3.3.2019 filed against them for offences under Sections 420, 468 and 471 read with Section 34 of the Indian Penal Code. The applicant in Criminal Application (ABA) No.253/2019 is the President of the Society running Education Institute and the applicants in Criminal Application (ABA) No.255.2019 are the Office bearers of the said Society.

2. FIR has been registered at the behest of the District Sports Officer, Buldhana and the allegation

against the applicants is that amount given to the Society under a scheme for establishment of gymnasium in the year 2007-08, was not utilised properly and equipments in the gymnasium were found to be short of the expected set up of equipments of the gymnasium. Another allegation against the applicants is that office of the Principal of an institution run by the said Society was being housed in the gymnasium, which was misuse of the facility and the funds provided by the State under the said scheme.

3. While issuing notices in these applications, this Court had granted ad-interim protection to all the applicants and they were directed to co-operate with the investigation.

4. Although, learned APP has opposed grant of present applications, learned counsel for the applicants has pointed out that the applicants have been cooperating with the investigation and despite the fact that the allegations against the applicants pertain to the period of 2007-08, they have made all endeavours to produce bills and other documentary material to show that the allegations levelled against them are baseless. As regards the office of the Principal being housed in the gymnasium, it is claimed on behalf of the applicants that since the office of the Principal was under repair, temporarily it was required to be shifted

during the rainy season in the gymnasium.

5. Considering the aforesaid contentions raised on behalf of the applicants and material presently on record, custodial interrogation of the applicants does not appear to be necessary in the present case, particularly when there is no complaint that during the pendency of the present applications, the applicants have not co-operated with the investigation.

6. In view of the above, the present applications are allowed and the applicants are granted anticipatory bail by confirming orders dated 29.4.2019 passed in these two applications, whereby ad-interim protection was granted to the applicants. Needless to say that the applicants shall continue to co-operate with the investigation and they shall neither tamper with the evidence nor influence the witnesses.

JUDGE