

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

Criminal Application (ABA) No. 774 of 2018

Santosh Vasant Rawankar

Vs.

State of Mah. Through P.S. Nandura City Dist. Buldhana

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

Court's or Judge's orders

Mr.S.V. Sirpurkar, Advocate for applicant
Mr.A.D. Sonak, APP for non-applicant.
Mr. Nikhil Kirtane, Advocate Assist to Prosecution.

CORAM : MANISH PITALE, J.

DATED : JUNE 26, 2019

The applicant herein, along with other accused persons is accused of having committed offences under Sections 420 R/w 34 of the Indian Penal Code as per FIR No. 507/2018 dated 03/10/2018 registered against them.

2. The complainant herein is a Co-operative Society which has claimed that the applicant being its Agent concerning recurring deposits has misappropriated huge amount of money in conspiracy with the other co-accused persons. According to the complainant, an amount of Rs.19,03,192/- was misappropriated, which includes the principal as well as interest amount. In the FIR itself it was recorded

that the applicant confessed of having indulged in the said activity and that he had deposited an amount of Rs.8,47,850/- with the complainant Society. The learned counsel for the applicant has submitted that apart from the said amount further amount of Rs.51,000/- was also deposited with the complainant Society towards interest.

3. These facts were noted by this Court while issuing notice on 25/10/2018 and granting ad-interim protection to the applicant on the condition that in the event of his arrest, he would furnish PR bond of Rs.25,000/- with one surety in like amount and that he would attend Police Station Nandura daily between 10:00 A.M. to 5:00 P.M. and further that he would co-operate with the investigation.

4. On the last occasion when this application was listed for consideration, a specific grievance was made against the applicant that he had visited the office of complainant Society and threatened its employees. In that regard an additional affidavit has been filed by the applicant stating that it was one of the co-accused person, who had indulged in such activity and that even the applicant was under threat from the said co-accused person.

5. Considering the fact that the applicant has deposited amount of Rs.8,47,850/- along with further

amount of Rs.51,000/- with the complainant Society, this Court is of the opinion that the present application deserves to be allowed. It is made clear that no opinion is being expressed by this Court on the entitlement of the complainant Society to recover further amount towards interest from the applicant and other co-accused persons.

6. In view of the above, the present application is allowed on the conditions on which ad-interim protection was granted to the applicant by this Court by order dated 25/10/2018, with the modification that he would not be required to report to Police Station Nandura daily and that he would make himself available before the Investigating Officer as and when required. It is further directed that till filing of chargesheet, the applicant shall not enter the jurisdiction of Police Station Nandura.

JUDGE