

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

CRIMINAL APPLICATION (ABA) NO.114 OF 2020

(Hareshwar s/o Vinayakrao Gaydhane and another Vs. The State of Maharashtra thr.
PSO PS Warud, Tq. Warud, Dist. Amravati)

CRIMINAL APPLICATION (ABA) NO.115 OF 2020

(Shriram s/o Sampatrao Barmase Vs. The State of Maharashtra thr. PSO PS Warud,
Tq. Warud, Dist. Amravati)

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

Court's or Judge's orders.

Mr. P.R. Agrawal, Advocate for Applicants.
Mr. V.A. Thakare, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 14th DECEMBER, 2020.

Heard.

2. The applicants are the daily collection agents of Urban Co-operative Society and are apprehending arrest in Crime 30/2020 registered with Police Station Warud, Tq. Warud, Dist. Amravati for offence punishable under section 408, 409 read with section 34 of the Indian Penal Code.

3. Vide order dated 26.02.2020 the applicants were granted interim protection subject to they attending the concerned police station for five days. It is not the case of the prosecution that the applicants have not complied with the condition of interim protection.

4. I have perused the relevant extract of the audit

report, to which my attention is invited by the learned APP Mr. Vinod Thakare. The audit report is a part of the case diary. I am satisfied, that there is no overt-act attributed to the applicant, as would justify their implication in the crime. This of course is a *prima facie* observation made only for the purpose of bail. What is alleged by the auditor is that while the applicants collected “X” amount from the depositors, while withdrawing the amount the depositors were paid in excess. The relevant extract of the audit report as a fact blames named officers and staff of the Urban Co-operative Society for the excess payment.

5. Considering the nature of the accusations and the material on record the interim protection granted vide order dated 26.02.2020 is made absolute with the only modification that till the charge-sheet is filed, the applicants shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE