

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 ANTICIPATORY BAIL APPLICATION NO.199 OF 2021

RAM MANMATHAPPA PATRE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Mr.Ambar Barlota h/f. Mr.V.A. Bagdiya, Advocate for the applicants.

Mrs.D.S. Jape, APP for the respondent/State.

CORAM : SANDEEP K. SHINDE, J.

DATED : 14.07.2021

PC :-

01. Heard learned Counsel for the applicants and learned APP for the State.

02. It is an application for pre-arrest bail in connection with Crime No.679 of 2020, registered with Nanded Rural Police Station for the offences punishable under sections 420, 192, 464, 468, 471 and 34 of the Indian Penal Code. The applicants are the managing committee members of the Zilla Parishad Teachers Co-operative Housing Society Limited, then elected in 2018. The complainant Mr.Deshpande was Ex-Chairman of the said housing society. Mr.Deshpande was prosecuted for misappropriating society's property on a complaint by a member of present managing committee. It appears, he was granted conditional bail by the Apex Court on depositing

Rs.30,000/-. Mr. Deshpande sought an order under section 156(3) of Cr.P.C. where-after the present offence was registered against the applicants. Mr.Deshpande would allege that the applicants in breach of State Resolution, accepted transfer fees in excess of upper limit. Besides, he alleged that the transfer fees collected from Brijkishor Jaju, Govindprasad Sarda and Sanjay Tapadia was not deposited in bank account, but misappropriated it.

03. The evidence on record is otherwise. Learned Counsel has invited my attention to bank statement of the society. He has pointed out the relevant entries to contend that the transfer fees received from the incoming members was deposited in the bank. Learned Counsel for the applicants has produced before me a copy of order dated 09.04.2021 passed in Misc. Cri. Bail Application No. 775 of 2020, whereby Mrs. Nanda Sanjay Chole, Secretary of the Society has been granted pre-arrest bail in the very offence. In paragraph No.23, the learned Judge has observed thus :-

"On the basis of say of I.O., on the basis of bank statement, it can be said that whatsoever amount received from the members were deposited in the bank. Most of the amount were straightway deposited in the bank vide cheques. As far as question of accepting donation more than Rs.25,000/- is concerned, the say of I.O. and bylaws of the societies clearly indicates that society can accept the donation from its members excess

than Rs.25,000/- subject to condition that, the donation should be voluntary. In the case at hand, from the affidavits of Brijkishor Jaju, Govindprasad Sarda and Sanjay Tapadia, it reveals that they have voluntarily paid the amount to the society and they were not pressurized by any one."

04. The observations, therefore, prima facie belies the allegations made by Mr.Deshpande.

05. In consideration of the facts aforesaid, in my view, a case is made out for granting pre-arrest bail. Therefore, custodial interrogation of the applicants will not further the prosecution case.

06. The application is granted. In the event of arrest of the applicants, the applicants shall be released on bail on executing bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one or more sureties in like amount. The applicants shall join the investigation as and when called by the Investigating Officer.

07. The application is disposed of.

[SANDEEP K. SHINDE,J.]