

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

909 ANTICIPATORY BAIL APPLICATION NO. 376 OF 2021

1. Prayagbai w/o Vitthal Apet
Age; 70 years, Occ; Household,

2. Sangita w/o Prakash Apet,
Age; 42 years, Occ; Household,

Both R/o; Girwali, Tq. Ambajogai,
District Beed.

...Applicants

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station, Ambajogai City,
District Beed.

...Respondent

ANTICIPATORY BAIL APPLICATION NO. 375 of 2021

WITH

CRIMINAL APPLICATION NO.931 OF 2021

IN

ABA/375/2021

1. Prakash S/o Vitthal Apet,
Age; 46 years, Occ; Business & Agri,

2. Dattu S/o Dagdu Apet,
Age; 49 years, Occ; Agri,

3. Satish S/o Dattatraya Apet,
Age; 49 years, Occ; Agri,

4. Baburao S/o Abarao Apet,
Age; 68 years, Occ; Agri,

5. Bhalchandra S/o Sahebrao Apet

Age; 62 years, Occ; Agri,

All R/o Girwali, Tq. Ambajogai,
District; Beed.

...Applicants

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station, Ambajogai City,
District Beed.

...Respondent

...

Advocate for Applicants : Mr.S.S.Thombre

APP for Respondent-State : Mr.V.M.Kagne

Advocate for the Complainant : Mr. V.S. Sakhare h/f Mr.S.A. Amad
(Assist to learned APP in Criminal Application No. 931 of 2021))

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CORAM : SANDEEP K. SHINDE , J.

DATE : 04th August, 2021.

P. C. :

1. These applications are filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Applicant No. 1 Prakash S/o Vitthal Apet, in Anticipatory Bail Application No. 375 of 2021, is a Chairman of The Shital Gramin Bigar Sheti Nagari Sahakari Patsanstha Ltd. Girwali, Branch Chousalkar Colony, Ambejogai, District Beed ('Pat Sanstha' for short). Applicants No. 2 is a Secretary and others are the directors of the said 'Pat Sanstha'; whereas, the applicants in application No. 376 of 2021 are the directors of the said 'Pat Sanstha'. The applicants are arrayed as accused in Crime No.07 of 2021, registered at

Ambajogai City Police Station, District Beed, for the offences punishable under Sections 406, 420, 417, 467, 468, 469, 471 read with Section 34 of Indian Penal Code ('IPC' for short). The complainant is holding account in the said 'Pat Sanstha'. He would alleged, the 'Pat Sanstha', its officers and employees forged his signature and withdrew Rs. 11,86,428/- from his account. On 07th September, 2019, in a statement recorded at Ambegogai Police Station, Sangeeta Apet, director of the 'Pat Sanstha' had assured to repay Rs. 11,86,428/- to the complainant not immediately but within two and half months, may be for the reasons that the 'Pat Sanstha's' financial position was weak. It seems the assurance was not fulfilled and therefore, complainant lodged the First Information Report ('FIR' for short) on 02nd January, 2021, whereafter, subject crime came to be registered against the directors and employees of the 'Pat Sanstha'.

3. Heard Mr. Thombre, learned counsel for the applicants extensively and the learned APP for the State, assisted by the counsel for the complainant.

4. Perused the record.

5. Mr. Thombre, learned counsel for the applicants correctly submitted that the applicants in application No. 376 of 2021, who are

directors and employees of the 'Pat Sanstha', do not have voice in managing and regulating the affairs of the 'Pat Sanstha'. In other words, learned counsel suggested that Prakash Vitthal Apet alone has pervasive control over the 'Pat Sanstha' and other applicants were working at the command of Prakash Vitthal Apet. I have no reason to discard the submission of Mr. Thombre, in as much as, this fact has borne out from the investigation.

6. It may be stated that applicant Prakash Apet was prosecuted in the year 2019, on a complaint of the District Marketing Officer, for the alleged misappropriation of the agricultural produce, wherein, he was arrested on 03rd August, 2019 and released on bail on 03rd December, 2019.

7. In consideration of the facts stated above, and in particular, that the affairs of the 'Pat Sanstha' were managed at the command of Prakash Apet; in my view, the custodial interrogation of the applicants in both applications, except that of Prakash Vitthal Apet, may not further the prosecution case.

8. At this stage Mr. Thombre, learned counsel for the applicants submitted that if the Court is not inclined to grant pre-arrest protection to Prakash Vitthal Apet, he has instructions to withdraw the application.

9 In consideration of the facts of the case and for the reasons stated above, pre-arrest protection is granted to the applicants in application No. 376 of 2021 and applicants No. 2, 3, 4 and 5 in application No. 375 of 2021 on following terms and conditions :

10. (i) In the event of arrest of applicants No. 1. Prayagbai w/o Vitthal Apet, 2. Sangita w/o Prakash Apet, in application No. 376 of 2021 and applicants No. 2. Dattu S/o Dagdu Apet, 3. Satish S/o Dattatraya Apet, 4. Baburao S/o Abarao Apet, 5. Bhalchandra S/o Sahebrao Apet, in application No. 375 of 2021, in connection with Crime No.07 of 2021 registered at Ambajogai City Police Station, District Beed, for the offences punishable under Sections 406, 420, 417, 467, 468, 469, 471 read with Section 34 of Indian Penal Code, they shall be released on bail on executing P.R. bonds each in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each, with one or more sureties in the like amount.

(ii). The applicants shall report to the Investigating Officer as and when called by him.

(iii) Anticipatory Bail Application filed by Prakash Vitthal Apet is dismissed as withdrawn.

11. Anticipatory Bail Applications No. 376 of 2021 and 375 of 2021 along with Criminal application No. 931 of 2021 (Assist to learned APP) are disposed of.

**(SANDEEP K. SHINDE)
JUDGE**