

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.246 OF 2021

Subhash Danamal Jain & Ors. Applicants

versus

State of Maharashtra Respondent

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- Mr.Niranjan Mundargi a/w Sachin Thombare, Advocate for Applicant.
- Ms.Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 04th MARCH, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.390/2020 registered with Marketyard Police Station, on 28/12/2020 under sections 406, 409, 167, 168, 420 r/w 34 of the Indian Penal Code.
2. The FIR is lodged by one Rajesh Sudam Bhujbal, who is an Auditor employed with office of Authorities for Cooperative Societies.

3. The Applicants are President and Secretary of M/s Arihant Co-operative Housing Society. The audit was conducted for the relevant period between 01/04/2013 to 31/05/2015. During that period, there are allegations that the Applicants had misappropriated amount of Rs.1,23,969/- and there was an unauthorized expenditure worth Rs.9,97,370/-. This was the basic allegation against the present Applicant. On the last occasion i.e. on 28/01/2021, the learned counsel for the Applicant had submitted that without prejudice to their rights and defence; to show their bonafides, they were willing to deposit this amount in the trial Court.
4. Heard Mr.Niranjan Mundargi, learned counsel for the Applicant and Ms.Pallavi N. Dabholkar, learned APP for the State.
5. Today, the learned counsel for the Applicant makes a statement that they have complied with their own undertaking and they have deposited this amount, i.e. Rs. 11,21,340/-, in the trial Court.

6. The Investigating Officer is present. He submitted that the Applicant be directed to attend the concerned police station and to explain any other queries raised by the Investigating Officer.
7. Considering this statement and taking into account the fact that the Applicants have deposited the entire amount, which is the subject matter of the present FIR, anticipatory bail can be granted to the present Applicants.
8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.390/2020 registered with Marketyard Police Station, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The amount deposited with the trial Court shall be invested in a fixed deposit scheme to be renewed from time to time in accordance with rules.
- (iv) At appropriate stage, the trial Court shall decide how the amount is to be disbursed.
- (v) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)