

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

ANTICIPATORY BAIL APPLICATION NO.371 OF 2020

Nitin Sudhakar Shinde

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr.Sujay H. Gangal, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 455/2017 dated 16/11/2017 registered at Khadak Police Station, District – Pune City under Sections 406, 420, 465, 467, 468 & 471 read with 34 of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors Act.
2. The allegations against the Applicant are that he was a Collection Agent working for Shri Panchmukhi Maruti Nagari Sahakari Patasanstha Ltd., Pune. He collected the amounts from

the depositors and did not deposit the entire amount in the Credit Society. The FIR narrates the fraud committed by various persons. The allegations against the present Applicant are pertaining to non-deposit of the entire amount.

3. The Applicant was protected by this Court (Coram: Prakash D. Naik, J.) vide order dated 13.2.2020. It was observed that the enquiry under Section 88 of the Maharashtra Societies Act (for short, 'said Act') had fixed a liability of the Applicant to the tune of Rs.87,578/-. This was the submission made by learned Counsel for the Applicant. The enquiry report mentions that figure as Rs.86,578/-.

4. On the last occasion the learned counsel for the Applicant had submitted that to show his bonafides, he was willing to deposit Rs.86,578/- fixed after enquiry u/s 88 of the said Act, in the trial Court, within a period of four weeks from 18/01/2021.

5. Today, the learned counsel for the Applicant has produced a receipt showing deposit of that amount before the trial Court. A copy of the receipt is taken on record and marked

‘X’ for identification. Thus, the Applicant has shown his bonafides. The investigation can go on, but his custodial interrogation is not necessary.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 455/2017 dated 16/11/2017 registered at Khadak Police Station, the Applicant is directed to be released on bail on his 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 amount deposited by the Applicant in the trial Court shall be invested in a fixed deposit scheme, to be renewed from time to time, as per rules. The trial Court shall pass order regarding that amount at the conclusion of the trial.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)