IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 488 OF 2019

1. Rajendra Bapu Jadhav
2. Sanjay Shivling Todakar
3. Pradeep Shankar Chorage .... Applicants

Versus

The State of Maharashtra .... Respondent

Mr. Chaitanya Sakhare for Applicants.
Mr. S. H. Yadav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th FEBRUARY, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.53 of 2019 registered with Satara City Police Station, on 17/01/2019, under section 408 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Chaitanya Sakhare, learned counsel for the applicants and Shri. Yadav, learned APP for the State.

3. The First Information Report (for short 'F.I.R.) is lodged by one Tukaram Kamble. He has stated that, he was working with Maharashtra State Electricity Board, Divisional Office, Ichalkaranji. He was a member of Credit Society of Employees of M.S.E.B. (for short 'said society'). On 31/05/2005 he retired and, therefore, he tendered his resignation of his membership from the said society. On his resignation, an amount of Rs.51,293/- was due and payable to him which he had invested in shares of the said society. The society demanded certain documents, he complied with it and sent two signed blank vouchers as demanded by the said society. The informant was never paid his dues. In fact, he was told on 31/03/2006 that he was already returned his amount. That was factually not correct. The informant was, thus, cheated and his amount was misappropriated. The informant pursued this matter continuously with the said society. Thereafter he approached the District Deputy Registrar, Co-operative Societies, Satara and the Chairman of the said society, but it was of no use. He was never returned his amount and, therefore, he lodged this F.I.R. on 17/01/2019. There

are allegations in the F.I.R. that the applicant Pradeep Chorage was interested with writing account book. Applicant Rajendra Jadhav was a clerk and applicant Sanjay Todakar was the cashier. According to the informant, these three applicants along with others have committed this offence.

4. Learned counsel for the applicants submitted that the applicants have nothing to do with the entire controversy. It was not a part of their job to return the amount or to maintain accounts books as alleged. The informant has approached the police much belatedly. The entries in that behalf were made in the year 2005 and the informant had made a complaint in the year 2019. He submitted that the matter was pursued with the District Deputy Registrar, Co-operative Societies. Thereafter he had approached the Assistant Registrar, Co-operative Societies, Satara City. The said authority closed the file by accepting the explanation of the credit society. He submitted that, from 2009 to 2018 the informant did not take any steps and had not made any allegation against the present applicants. Then in the year 2018, for the first

time, the informant made allegations against the applicants.

5. Learned APP opposed this application. He relied on a letter dated 07/10/2020 issued by the Managing Director of the said society. It is mentioned in this letter that the resignation letter was accompanied by voucher No.6183 and the handwriting on that voucher was that of applicant Rajendra Jadhav. The account book was written by the applicant Pradeep mentioning return of amount of Rs.49,730/- and it is also mentioned that, at that time, the applicant Sanjay was cashier.

6. I have considered these submissions. As far as, contention of learned APP is concerned, there is a reference to a voucher mentioning name of the informant. This voucher is referred to in the F.I.R. itself. The informant himself had tendered two signed vouchers. Therefore, at this stage, it is difficult to find fault with the applicant Rajendra Jadhav's role. The vouchers were still blank when they were recovered.

7. The account book has handwriting of the accused Pradeep Chorage and at that time, cashier was applicant Sanjay. If the amount is not handed over to the informant, the direct role of the cashier cannot be inferred. As far as, handwriting on the account book is concerned, according to the learned counsel for the applicants, it was signed by the Secretary. As submitted by the learned counsel for the applicants, applicant Pradeep's role was that of a clerk. However, at this stage, it cannot be said that it was not the job of the applicant Pradeep to verify the entries which he was taking. However, looking at the fact that all these entries were made in the year 2005, today in the year 2021 the applicants' custodial interrogation would not be justified and, hence, not necessary. The applicants were on interim protection in this particular application for a long period i.e. since 11/03/2019. The police could have come up with a concrete case against them. There are no allegations that the applicants have not co-operated with the investigation. The informant himself had not taken any steps since the year 2009 to 2018, therefore, I do not see any propriety in permitting the custodial interrogation of the

applicants, at this stage. They deserve protection of anticipatory bail order.

8. Hence, the following order :

<u>ORDER</u>

(i) In the event of their arrest in connection with C.R.No.53 of 2019 registered with Satara City Police Station, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

(ii) The Applicants shall attend concerned Police Station as and when called and shall cooperate with the investigation, including giving their specimen handwriting and signatures.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)