

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1967 OF 2019

Suresh Ramrao Nikam And Ors.	... Applicants
V/s.	
The State of Maharashtra	... Respondent

WITH
INTERIM APPLICATION NO. 900 OF 2020
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1967 OF 2019

Ravindra Bhagwan Nikam	... Intervenor
<u>In the matter between :-</u>	
Suresh Ramrao Nikam And Ors.	... Applicants
V/s.	
The State of Maharashtra	... Respondent

Smt. Vrishali Rakesh Raje, Advocate for Applicants.
 Smt. M. H. Mhatre, A.P.P. for Respondent-State.
 Mr. Chetan Subhash Damre, Advocate for Intervenor.

CORAM : A.S. GADKARI, J.
DATE : 20th November, 2021.

PC. :

1. By a reasoned Order dated 9th September 2019, the Applicants were granted interim relief.
2. Perusal of record indicates that, under the Order of Assistant Charity Commissioner, Nashik Division, Nashik, the Applicants were held to be

de-facto trustees of the Girna Education Society and when they were in Office have operated bank accounts of the said trust. The Applicants were thus authorized to operate bank account of the said Trust in that behalf.

3. Record further indicates that, the first informant/original complainant was suspended, by passing Resolution No.3, dated 14th January, 2019 by the Girnar Education Society, i.e. the Trust, by its Order dated 15th February, 2019. It appears that, after receipt of the said Order of suspension, as and by way of counter blast the informant/original complainant has filed a private complaint on 26th February 2019 before the learned Judicial Magistrate, First Class, Malegaon, whereupon Order under Section 156(3) of Cr.P.C. has been passed.

4. As noted earlier, at that relevant period, the Applicants were permitted to operate accounts of the said Trust being official trustees of it. Record further indicates that, the Investigating Officer has already seized most of the documents pertaining to the present crime.

5. In view thereof, the custodial interrogation of the Applicants for further investigation of the present crime is not necessary.

Interim relief granted by Order dated 9th September, 2019 is hereby confirmed.

However, the Applicants are directed to attend the Investigating Officer, as and when called for, between 10.00 am and 1.00 pm till submission

of 'Final Report' under Section 173(2) of Cr.PC.. It is needless to mention that, before calling the Applicants to the Police Station, the Investigating Officer shall issue a notice in writing to the Applicants, specifying the date of attendance therein.

6. Application is allowed in the aforesaid terms.

7. In view of disposal of present Application itself, Interim Application No.900 of 2020 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

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