

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

ANTICIPATORY BAIL APPLICATION NO. 1801 OF 2021

1. Dhanaji Gundu Kasalkar
2. Tanaji Gundu Kasalkar ... Applicants

Versus

The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.2203 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 1801 OF 2021**

Sanjay Santu Gore & Anr. ... Applicants

IN THE MATTER BETWEEN

Dhanaji Gundu Kasalkar & Anr. ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Mangesh Patil, Advocate for the Applicants.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. Shantanu Raktate, Advocate for Intervenors.

Mr. Ganesh Jadhav, (P.S.I.) N. M. Joshi Marg Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 23rd SEPTEMBER, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No.437 of 2019 registered with N.M. Joshi Marg Police Station, Mumbai on 23rd December, 2019. The offences were registered under Sections 409, 420, 465, 468, 471, 477(A) r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution in nutshell is that during the financial year 2012-13 to 2016-17, the then chairman Sakharam Appa Chavan and the present chairman Dhanaji Gundu Kasalkar, Vice Chairnam Krushna Dhondiba Yejare, Treasurer and Ex-Vice Chairman Sanjay Gore, Secretary Tanaji Kasalkar, the then Administrator Arvind Kumbhar, Expert Director Krushna Chorge, the present Director Ramchandra Kokate of M/s. Shree Jomadevi Co-operative Credit Society Ltd. had in connivance with each other and false entries were made in the registers and prepared false documents and withdrawn the amount which was misappropriated. The total amount of Rs. Rs.1,42,848/- was misappropriated.

3. The applicants were granted interim protection vide order 5th August, 2021. Thereafter, the application come up for hearing on 20th September, 2021. The order dated 20th September, 2021 records that learned APP on instructions submitted that investigation is almost completed. Specimen handwriting of both the applicants has been obtained by the Investigating Officer.

4. The co-accused Sanjay Gore and Sakharam Chavan who were Ex-Vice Chairman and Ex-Chairman respectively had preferred intervention application. Learned counsel appearing for the intervenor submitted that the application for anticipatory bail preferred by the said intervenors are pending before the Sessions

Court. It is submitted that while granting interim protection to the applicants in this application vide order dated 5th August, 2021, the submissions of learned counsel for the applicants in the present application were recorded wherein it was mentioned that the applicants in this application were implicated at the behest of former chairman who was predecessor of applicant No.1 and on account of rivalry both are implicated. It is submitted that any observation in the order of this Court would hamper the fate of the application preferred by the applicants before the Sessions Court.

5. Learned counsel for the applicants however submitted that the intervenors are granted interim relief by the Sessions Court by order dated 13th August, 2021. The said order indicates that the interim order passed by this Court dated 5th August, 2021 was pointed out by the learned Sessions Judge and they were granted protection.

6. On perusal of the order dated 5th August, 2021 it is apparent that the Court has not given any findings against intervenor. The submission of the learned counsel for the applicants therein was recorded. Since the intervenors are apprehending that the contents of the order dated 5th August, 2021 would caused prejudice to them by way of caution it is clarified that this Court has not given any final findings against intervenor and the Sessions

Court may not draw any adverse inference against them. Their applications be decided on merits.

7. The order dated 20th September, 2021 indicate that investigation is almost completed and the specimen hand writing of the applicants has been obtained by the Investigating Officer. Thus, custodial interrogation of the applicants is not necessary.

8. Hence, I pass the following order:

ORDER

(i) Anticipatory Bail Application No.1801 of 2021 is allowed;

(ii) In the event of arrest of the applicants in Anticipatory Bail Application No.1801 of 2021 in connection with C.R. No.437 of 2019 registered with N.M. Joshi Marg Police Station, Mumbai, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.30,000/- each with one or more sureties in the like amount;

(iii) The applicants shall attend the investigating officer as and when called for.

(iv) Anticipatory Bail Application and Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)