

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

ANTICIPATORY BAIL APPLICATION NO. 2092 OF 2019

Vishwas Mukundrao Deshmukh and Ors. .. Applicants
V/s.

The State of Maharashtra ..Respondent

Mr. S.S. Patwardhan a/w Bhooshan Mandlik for the Applicants.

Mrs. M.M. Deshmukh, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 07TH AUGUST, 2021

P.C.

1. The Applicants apprehending arrest in connection with the investigation of Crime No. 240 of 2019 registered with Alandi Police Station under Section 380 read with Section 34 of IPC are seeking anticipatory bail.

2. The allegations as per FIR lodged by one Arun Takawane, is that the Applicants not being the Trustees of Dhondu Govind Atre @ Dhondopant Dada Sampradayik Bhajan Phad ('The Trust' for short) have removed Rs.40,000/- from the donation box at the temple.

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3. On hearing the learned Counsel for the Applicant and the learned APP, it appears that there was *inter se* dispute between the parties about the Trust and its membership. It appears that in Suo Moto Inquiry No. 49 of 2017, the Assistant Charity Commissioner, Solapur by order dated 03.12.2019 has settled the Change Report and out of six Applicants in this application, the Applicant No.1 Vishwas Deshmukh, Applicant No.3 Laxman Shelke and Applicant No.6 Bhagvat Hande have been recorded as the Trustees of the said Trust, which order is confirmed by this Court. The learned counsel for the Applicant points out that the donation box was opened on 26.07.2019 in the presence of several persons of which a record was drawn which is at page 13. He submits that the said proceedings have also been approved by the Managing Committee of the Trust on 28.07.2019.

4. The record discloses that the interim protection was granted to the Applicants on 26.09.2019 *inter alia* on the condition of the Applicants co-operating with the investigating agency. The learned APP states that the Applicants have co-operated with the investigating agency. Considering the over all circumstances, I find that the application can be disposed of by confirming the interim order.

5. In such circumstances, the Criminal Application is disposed of in terms of order dated 26.09.2019 subject to the condition that the Applicants shall co-operate with the investigating agency as and when required.

C.V. BHADANG, J.