

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

CRIMINAL APPLICATION NO. 674 OF 2017

Arun Nathuram Gaikwad ..Applicant

v/s.

The State of Maharashtra ..Respondent/s

Mr. Rajaram Bansode for the Applicant s.

Mr. PH.Gaikwad, APP for the Respondent-State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 14th OCTOBER, 2021.**

P.C.

1. This is an application under Section 439(2) of Cr.P.C. for cancellation of pre-arrest bail granted to Respondent No.2 vide order dated 21.1.2013 in BA/96/2013.
2. Heard learned Counsel for the Applicant and the learned APP for the State. Perused the records.
3. The records indicate that pursuant to the FIR lodged by Vinayak Sakhare, Registrar of Co-operative Societies, Crime No.73 of 2010 was registered against the Respondent No.2 and others for offences under Section 467, 468, 469, 471, 477(A), 403, 409, 420 r/w. 34 of IPC. Apprehending his arrest in the said crime, the

Applicant had filed an application for anticipatory bail before the Sessions Court, Gr. Mumbai.

4. The learned Judge has granted bail mainly on the ground that the Applicant who was the Chairman of the Bank had signed only three documents and that he could not be held vicariously liable for the offences committed by the co-accused. The learned Judge has observed that the amount which was misappropriated has been recovered. The documents were seized and the investigation was completed. The order is not perverse.

5. The pre-arrest bail granted by the Respondent No.2 is sought to be canceled after four years of the grant of pre-arrest bail on the ground that subsequent to the bail order, the Respondent no.2 has committed similar offence and that crime No. 10 of 2016 has been registered against him with Vinoba Bhave Nagar Police Station, Kurla for a similar offence. It is not in dispute that the Respondent No.2 has already been released on bail in the subsequent crime and the present application has been filed only after grant of bail in the said crime. It is stated that the chargesheet has been filed on 27.10.2014.

Considering the above facts, in my considered view, no case is made out for cancellation of bail. Hence the Application is dismissed.

(ANUJA PRABHUDESSAI, J.)

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