

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 1236 OF 2020

(Rahul s/o Charandas Jogi vs. State of Maharashtra thr. PSO, PO Ballarsha, District -
Chandrapur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

S/Shri S.R. Dube with M.S. Dube, Advocates for the
applicant.

Mrs. S.S. Jachak, APP for the non-applicant – State.

.....

CORAM : PUSHPA V. GANEDIWALA, J.
JANUARY 08, 2021.

Heard Shri Dube, learned counsel for the
applicant and Mrs. Jachak, learned APP for the non-
applicant – State.

2. The applicant is seeking bail in Crime
No. 427 of 2020 dated 16.06.2020 for the offence
punishable under Sections 409, 420, 109, 406, 465,
468, 471, 201 read with Section 34 of the Indian
Penal Code and under Section 3 of the Maharashtra
Protection of Interest of Depositors in Financial
Institutions Act, 1999 (hereinafter referred to as
M.P.I.D. Act) registered by Ballarsha Police Station,
District – Chandrapur.

3. Perused the application, affidavit-in-reply filed on behalf of the non-applicant – State and the charge sheet, with the assistance of the learned counsel for the parties.

4. The essence of the charge against the co-accused, who are stated to be President, Secretary and Agents of Pratasattak Nagri Cooperative Credit Society Limited, Ballarsha, is that they misappropriated and siphoned off the amount of Rs.6,77,63,360/-. At the instance of one of the Investors of the credit cooperative society, the aforesaid crime came to be registered.

5. The allegation against the present applicant is that he was a registered Auditor and audited the accounts of the Credit Society from the period between 2015-16, 2016-17 and 2017-18. However, without noticing the fact that there were cash receipts to the tune of Rs.1,97,300/- to the Bank, the entry of the same receipts were not made in the cash book, the present applicant had committed dereliction in his duty in not reporting the same and signed the audit report and thereby committed the offence. It is stated that the applicant has been arrested on 17.07.2020. Now

investigation in the case is completed and the charge sheet is also filed.

6. Considering the limited role attributed to the present applicant, this court is inclined to grant bail to him. Hence, Criminal application is allowed on the following conditions :

(i) The applicant – Rahul s/o Charandas Jogi, shall be released on bail on executing Personal Bond of Rs. 15,000/- (Rs. Fifteen thousand only) with one surety in the like amount.

(ii) The applicant shall not issue threats or tamper the prosecution witnesses.

7. Needless to mention that the observations made in this order are strictly for deciding the present application of the applicant and the trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

JUDGE

*GS.