

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

CRIMINAL APPLICATION (BA) NO. 1283 OF 2020

(Nilesh s/o Sudhakar Guhe vs. State of Maharashtra thr. PSO, PO Ramdaspath, Akola
District - Akola)

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

Court's or Judge's orders.

Shri N.R. Tekade, Advocate for the applicant.
Shri H.D. Dubey, APP for the non-applicant – State.

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

Heard Shri Tekade, learned counsel for the
applicant and Shri Dubey, learned APP for the non-
applicant – State.

2. The applicant is seeking bail in Crime No. 94 of 2020 for the offence punishable under Sections 420, 406, 409, 418, 467, 120-B, 201, 506 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 Ramdaspath Police Station, Akola, District – Akola.

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 present crime came to be registered at the instance of Special Auditor-2, Cooperative Society (Consumer) against the President, Secretary, Ex-Secretary and Board of Directors of Akola Shahar Manapa Shikshak Samrudhi Karmachari Sahakari Pat Sanstha (Maryadit), Akola (hereinafter referred to as the Society). The present applicant was employee of the said Society and was working as a Manager. The core of the allegations against the President and Board of Directors is that they misappropriated an amount of Rs.23,02,963/- and thereby caused loss to the Society.

5. The specific allegation against the present applicant is that he took active part in the transaction of the society and signed various documents during the period from 01.04.2012 to 31.03.2017. It is also alleged that the applicant was to recover Rs.13,800/- from the Society but instead of Rs.13,800/-, the applicant has received Rs. One lakh from the Society.

6. It is stated that except the present applicant and the President of the Society, all other

accused have been released on pre-arrest bail by this Court. The applicant is stated to be arrested on 28.06.2020. Now, the investigation is completed and the charge sheet is also filed.

7. Considering the limited role attributed to the present applicant, this court does not find any reason to deny bail to him and is inclined to grant him bail. Hence, Criminal application is allowed on the following conditions :

(i) The applicant – Nilesh s/o Sudhakar Guhe, shall be released on bail on executing Personal Bond of Rs.20,000/- (Rs. Twenty thousand only) with one surety in the like amount.

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

8. 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

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