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

Criminal Application [ABA] No.717 of 2021

Rekhlal s/o Ratanlal Tembhare
vs.
State of Maharashtra, through P.S.O. Amgaon, District Gondia

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Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Shri S.S. Tambulkar, Advocate for the Applicant.
Shri S.D. Shirpurkar, A.P.P. for the Non-Applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 23rd NOVEMBER, 2021.

The applicant is seeking pre-arrest protection in Crime No.358/2021, registered with Police Station Amgaon, District Gondia for the offence punishable under Sections 409 & 420 of the Indian Penal Code. At the instance of report lodged by the President of Kshatriya Sahakari Pat Sanstha Maryadit, Amgaon, District Gondia (hereinafter referred to as 'Society'), crime was registered.

02] It is alleged that the applicant was working as Collection Agent with said Society. He was supposed to collect the amount from various customers and to deposit the same with the Society. During audit of the Society, it was noticed that though the applicant collected huge amount from various customers, he has not deposited such huge amount with the Society. Moreover, there appears to be difference in the entries made in the pass-books of the customers and the registers maintained by the Society. As per the report, during the year 2019-20, the applicant collected an amount of Rs.1,85,985/- from the customers, whilst deposited Rs.60,000/- with the Society.

Likewise, in the year 2020-21, he collected an amount of Rs.13,14,700/- from the customers, but deposited Rs.4,20,000/- with the Society, meaning thereby he has deflected total sum of Rs.10,20,685/-.

03] The applicant's learned Counsel would submit that the very appointment of the President of the Society is illegal as it is set aside by the Assistant Registrar of Cooperative Societies, Amgaon. Moreover, it is stated that the audit was carried out through a private person. The State resisted the bail by filing reply affidavit and proceedings' case papers. It is not in dispute that the applicant was working as an Agent in the Society. Moreover, internal enquiry was conducted through certified Auditor, who reaffirmed deflection of amount of Rs.10,20,685/-. Whether the Society was headed by an un-authorised person is not of much relevance in view of the allegations levelled in the report. The State contended that the applicant has taken away the relevant registers to manipulate entries. The applicant's involvement is *prima facie* evident in the offence. A large public money has been siphoned and, therefore, custodial interrogation is necessary. In view of that, it is not a fit case to grant interim protection. Hence, the application stands rejected.

JUDGE

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