**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**BENCH AT AURANGABAD**

928 **BAIL APPLICATION NO.70 OF 2022**

SIDDHARAM GANPAT SATHE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Jadhav Satej S.
APP for Respondents/State : Mr. A.V. Deshmukh
...

**CORAM : M.G. SEWLIKAR, J.**
**DATE : 2nd February, 2022**

**P.C.:-**

This is an application for enlarging the applicant on bail in connection with Crime No.643/2021 under Section 379, 420, 467, 468, 471 read with Section 34 of the I.P.C. registered with Gandhi Chowk Police Station, District Latur.

2. The informant is a Co-operative Officer, Class-2 working as Assistant Registrar, Co-operative Society Office at Latur. It is alleged that daily transactions and entire record of society used to be with one Barde Ganesh Ramdas who was absent since 1st December, 2020. Therefore, one Prashant Saidapurkar was appointed on monthly basis from 24th December, 2020 as per administrative decision dated 22nd December, 2020. Since work of accused Prashant Saidapurkar was not satisfactory he was removed from service. On

scrutinizing accounts of the society, informant found that amount of Rs.3,17,878/- was debited on 03.11.2021 and Rs. 2,80,825/- was debited on 23.11.2021 from bank account of the society. Accused-Prashant while leaving the society had committed theft of certain cheques and he forged the signatures of informant and encashed the said cheques in collusion with Manme Soni Shrikrishna and applicant in their names and thereby mis-appropriated an amount of Rs.9,94,453/- of the said society. Accordingly, FIR came to be lodged against the applicant and others on the basis of which aforesaid crime came to be registered.

3. Heard learned counsel Shri Jadhav for the applicant and learned APP Shri Deshmukh for the State.

4. Shri Jadhav submits that accused-Prashant requested applicant to allow him to deposit a cheque of the denomination of an amount of Rs. 2,18,550/-. Applicant is illiterate. He did not realise that the said cheque was of the society and not of the accused-Prashant. He submits that he is neither beneficiary nor he withdrew the amount from the accounts of the society.

5. Learned APP Shri Deshmukh submits that applicant has criminal antecedents. On receipt of the amount in his account, he transferred the amount to his sister's account. In this manner the applicant is also a partner

in crime and, therefore, his application deserves to be rejected.

6. The role of the applicant is to the effect that he allowed the applicant to deposit a cheque amounting to Rs.2,18,550/- in his account. It does not appear that applicant has been benefited out of this transaction. He has no concern with the society. There is nothing on record to show that the applicant had conspired with accused-Prashant for siphoning off the amount of the society. Simply because he has permitted the accused-Prashant to deposit the amount in his account, applicant cannot be labeled a partner in crime. There are no allegations of abetment against the applicant. The case pending against the applicant is under Section 12-A of the the Maharashtra Prevention of Gambling Act. Having regard to this, I am inclined to release the applicant on bail. Hence the following order is passed:

**ORDER**

I) Application is allowed.

II) Applicant be released on PR bond of Rs.15,000/- with one solvent surety in the like amount, in connection with Crime No.643/2021 under Section 379, 420, 467, 468, 471 read with Section 34 of the I.P.C. with Gandhi Chowk Police Station, District Latur on condition that he shall not interfere in the investigation and shall attend the concerned police station as and when called by the Investigating Officer.

III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

**[M.G. SEWLIKAR, J.]**

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