

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 ANTICIPATORY BAIL APPLICATION NO.449 OF 2022

MOHAN GENA RAYKAR

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Z.H. Farooqui, Advocate for the applicant

Mr. A.A. Jagatkar, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 29th APRIL, 2022

PER COURT :

1 The applicant is apprehending his arrest in connection with Crime No.89/2022 dated 15.03.2022 registered with Belwandi Police Station, Dist. Ahmednagar, for the offence punishable under Section 420, 409 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. Z.H. Farooqui for the applicant and learned APP Mr. A.A. Jagatkar for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report would show that it has

been lodged by one Mahendra Tulshiram Ghodke, the Auditor, who has done the audit of one Hangeshwar Gramin Bigar Sheti Sahakari Patsanstha Maryadit, Hangewadi, Tq. Shrigonda, Dist. Ahmednagar. The audit was for the period of 01.04.2010 to 31.03.2017. He found certain irregularities and certain persons had kept amount of the Patsanstha in hand, especially the present applicant. The applicant is a Chairman of the Patsanstha. It can also be seen from the papers, which have been produced, that the Sub-Registrar had given notice under Section 98 of the Maharashtra Co-operative Societies Act after the said audit was over, fixing the responsibility of the applicant to Rs.3,06,361.60ps. Taking into consideration the said notice and also the inquiry officer had fixed the responsibility and gave chart of the amount that is to be recovered under Section 88 of the Maharashtra Co-operative Societies Act.

4 Statement was made on the last occasion when the interim protection was granted on 19.04.2022 that the applicant would deposit the said amount to show his bona fides. He has deposited an amount of Rs.3,10,000/- in this Court. Therefore, taking into consideration this aspect the custodial interrogation of the applicant in the recovery of amount need not be considered at all. However, making him available for the purpose of investigation would be in the interest of justice for both the parties. The

interim protection granted earlier to the applicant, therefore, deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 The ad-interim protection, granted by this Court earlier to applicant vide order dated 19.04.2022, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant viz. **Mohan Gena Raykar**, in connection with Crime No.89/2022 dated 15.03.2022 registered with Belwandi Police Station, Dist. Ahmednagar, for the offence punishable under Section 420, 409 read with Section 34 of the Indian Penal Code, he be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 Applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.

4 He shall cooperate with the investigation and shall remain present before the Investigating Officer on every Tuesday and Friday, between 10.00 a.m. to 02.00 p.m., till filing of charge sheet.

5 Registrar (Judicial) to transmit amount of Rs.3,10,000/- deposited by the applicant in the Court of Judicial Magistrate First Class, Shrigonda and the disposal of that amount would be subject to the order under Section 452 of the Code of Criminal Procedure, 1973.

(Smt. Vibha Kankanwadi, J.)

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