

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

BAIL APPLICATION NO. 858 OF 2022

Vinayak Namdeo Kandekar	... Applicant
Versus	
The State of Maharashtra	... Respondent

**WITH
BAIL APPLICATION NO. 859 OF 2022**

Sachin Sukhdeo Sonawane	... Applicant
Versus	
The State of Maharashtra	... Respondent

**WITH
BAIL APPLICATION NO. 912 OF 2022**

Shahenaj Maheboob Sayyed @ Shahenaj Aslamkhan Pathan	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. V. Y. Bhide, Advocate for applicants in BA Nos. 858 and 859 of 2022

Mr. Amol S. Gandhi, Advocate for applicant in BA No.912 of 2022

Mr. V. S. Badakh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

**RESERVED ON : 27th JULY, 2022
PRONOUNCED ON : 12th AUGUST, 2022**

PER COURT :-

. These are the application for bail under Section 439 of
the Code of Criminal Procedure. These three Bail Applications are

taken up together since they arise from one and the same crime i.e. Crime No.0222/2017, registered at Sangamner City Police Station, District Ahmednagar, for the offences punishable under Sections 408, 409, 418, 467, 468, 471, 477-A read with 34 of the Indian Penal Code and under Section 3 of the M.P.I.D. Act.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR was lodged by an Auditor of the Co-operative Societies. It is the case of the prosecution that the applicants herein were the employees of 'Dhanganga Self-help Rural Non-agricultural Co-operative Society. The applicants and the co-accused have misappropriated the funds of the society, amounting to Rs.03,91,61,254/-. On investigation, the charge-sheet has been filed.

3. The learned Advocates for the applicants would submit that the Manager of the Co-operative Society and some of the Directors thereof, have been convicted by the Court of Additional Sessions Judge, Sangamner. The applicants are not alleged to have siphoned off funds of the society. They are attributed with dereliction

in their duty. The allegations their against are in respect of temporary misappropriation of money. It is the case of small amount. The amount have been repaid. They, therefore, urge for grant of applications.

4. The learned App would, on the other hand, submit that it is an economic offence involving about four crores of rupees. The applicants were in conspiracy with the co-accused. They have assisted the Chairman and the Directors of the society in misappropriating the huge amount. The applicants have also been attributed with misappropriation of some amount. The learned APP, therefore, urged for rejection of the applications.

5. Considered the submissions advanced. Perused the FIR and related police papers. The applications are sought to be prosecuted by filing a supplementary charge-sheet against them. The learned Additional Sessions Judge has convicted the Manager and some of the Directors of the society. The present applicants were shown absconding while the first charge-sheet was filed. One of the applicants herein is lady. The gist of the prosecution case is that the applicants while working as Clerk, Cashier in various

departments/sections of the credit society, prepared false documents and thereby facilitated commission of misappropriation of huge sum of money. The applicant Sachin Sonawane has allegedly misappropriated a sum of Rs.47,570/-. The said amount is said to have been recovered from him. Same is the case of applicant Vinayak Kandekar. He is alleged to have misappropriated a sum of Rs.29,632/-. The said amount is also said to have been recovered. Another applicant Shahenaj, not attributed with misappropriation of any money. She is alleged to have assisted the Chairman and Manager of the society in misappropriation of huge amount.

6. The applicants herein were the servants of the co-operative society. On investigation of the crime, now supplementary charge-sheet has been filed against them. It will take time for commencement and conclusion of trial. I am, therefore, inclined to grant their applications. Hence, following order:

ORDER

- (i) The Bail Applications are allowed.
- (ii) The applicants be released on bail in connection with Crime No.0222/2017, registered at Sangamner City Police Station, District Ahmednagar, for the offences

punishable under Sections 408, 409, 418, 467, 468, 471, 477-A read with 34 of the Indian Penal Code and under Section 3 of the M.P.I.D. Act, on their executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with surety bond each of the like amount.

(iii) The applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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