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

ANTICIPATORY BAIL APPLICATION NO.1002 OF 2022

**SULTAN BEG NAWAB BEG
VERSUS
THE STATE OF MAHARASHTRA**

Mr Balbhim R. Kedar, Advocate for applicant;
Mr K.S. Patil, A.P.P. for respondent/State

CORAM : S. G. MEHARE, J.

DATE : 26th August, 2022

PC.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant was a Sweeper in the employees co-operative credit society. However, he was appointed as the Secretary of the said credit co-operative society.
3. The learned counsel for the applicant would submit that though the applicant was the Secretary, he was nominally holding the post but everything was done by the President of the society. He never misappropriated a single pie of the society. The co-accused has misappropriated the funds but the applicant has unnecessarily been arraigned as an accused. The Chairman of the society had given an undertaking that if any fraud is discovered, he would be held responsible. The so called misappropriated amount has

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been deposited by the Chairman of the society. Therefore, nothing is to be recovered from the applicant.

4. The learned A.P.P. has fairly conceded that the Chairman of the society has deposited the alleged misappropriated money. The Chairman had given the undertaking that if any fraud is discovered, he would be solely responsible for the same. The applicant has no role to play.

5. Considering the submissions of the learned A.P.P., it appears that the applicant has no role to play in the alleged misappropriation and the so called misappropriated money has been deposited by the Chairman/co-accused. Therefore, the applicant is entitled to anticipatory bail. Hence, the following order:-

- i) The application is allowed.
- ii) In the event of arrest, the applicant Sultan Baig S/o Nawab Baig, be released on bail, on executing P.B. and S.B. of Rs.15,000/-, with one solvent surety of the like amount, in C.R. No.198 of 2022, registered with Kadim Jalna Police Station, Jalna, for offence punishable under Sections 408, 420 read with Section 34 of the Indian Penal Code.

(S. G. MEHARE, J.)

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