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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1410 OF 2022

Ramesh Narsing Telang

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Pradeep V. Tapse Patil, Advocate for the applicant
Mr. P. K. Lakhotiya, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th NOVEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 225 of 2021, registered with Aurad Shahjani Police Station, District – Latur for the offence punishable under section 420, 409 read with 34 of the Indian Penal Code.

2. Audit of APMC Aurad Shahjani was conducted for the period from 1st April, 2014 to 31st March, 2021. The Auditor found misappropriation of Rs.38,27,582/-, committed by the Managing Committee members and the present applicant, at the relevant time, was the Secretary of the APMC. It is alleged that the then Sabhapati, Upa-Sabhapati, Board of Directors and the applicant have misused their power and position and

misappropriated funds of the APMC. The FIR is, therefore, lodged against 15 accused persons alleging that an amount of Rs.4,40,000/- was deposited thereafter and hence, there is misappropriation of Rs.33,87,582/-.

3. Heard learned advocate for the applicant and the learned Additional Public Prosecutor for the State. Perused the papers of investigation.

4. Learned advocate for the applicant submits that most of the directors / managing committee members have been released on anticipatory bail. All the relevant documents are already seized by the police and, therefore, custodial interrogation / detention of the applicant is not necessary. He, therefore, seeks anticipatory bail for the applicant.

5. Learned Additional Public Prosecutor strenuously opposed the bail application submitting that the applicant has committed misappropriation of Rs.8,00,930/-. He submits that the allegations against the directors and managing committee members are that they have obtained advances contrary to the rules and thereby committed misappropriation. The applicant is government servant and serious allegation of commission of offence punishable under section 409 of the Indian Penal Code

are levelled against him. He, therefore, submits that custody of the applicant is necessary for effective investigation.

6. On going through the investigation papers, it *prima facie* appears that the applicant has committed misappropriation of Rs.8,00,930/-. Custodial interrogation of the applicant is necessary in the facts of the present case, for effective investigation. The ground of parity is not available to the applicant, as the allegations against the managing committee members and directors are different. In their case, whether the advances obtained by them were used under section 37 and / or 53 of the APMC Act is held to be a question of fact, which can be dealt with at the time of trial. The allegation against the applicant is of misappropriation of the AMPC funds, which is serious.

7. In this view of the matter, the applicant does not deserve discretionary relief. The application is, therefore, rejected. Interim relief stands vacated.

[NITIN B. SURYAWANSHI]
JUDGE