

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.2339 OF 2021

Arjun Abhiman Agam

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Aniket Nikam i/b Mr.Amut Icham for the Applicant.

Mr.N.B. Patil, APP for the Respondent-State.

Mr.Amit Shivaji Shtole, EOW, Solapur Gramin (Economic Offence Wing).

CORAM : C.V. BHADANG, J.

DATE : 7 MARCH 2022

P.C.

. By this Application, the Applicant Arjun Agam (Accused No.4), is seeking release on bail in Crime No.609 of 2018 of Karmala Police Station, District-Solapur Rural, under Section 204, 205, 120B, 403, 406, 408, 409, 418, 420, 463, 467, 477(A) read with Section 34 of the Indian Penal Code.

2. The aforesaid Crime is registered on the basis of the complaint lodged by Shekhar Sunil Washimbekar who is the Secretary of *Amrutvel Nagari Sahakari Pathsanstha Ltd., Karmala*, District-Solapur ('Credit Society' for short).

3. According to the informant the State Government had allotted an amount of Rs.1,42,11,395/- to the said Credit Society during the period from 20 October 2012 to 23 July 2013 for implementing drought relief measures of providing Fodder to the Cattles in the draught affected area. The allegation is that the Accused Nos.1 to 4 who are respectively, the Director, Secretary, Manager and the present Applicant as Cashier had misappropriated the amount with the help of the co-accused.

4. I have heard the learned counsel for the parties. Perused record.

5. It appears that the accused Savita Jadhav who is the Manager of the Credit Society has been granted anticipatory bail by order dated 3 March 2021 in ABA No.705 of 2019. Significantly enough the co-accused Kavita Yadav who is the Secretary and Yashwant Yadav who is the Director of the Society have not even been arrested by the Investigating Officer for the reasons best known to the Investigating Agency. The present Applicant has been arrested on 1 February 2021 and is in custody since then.

6. It can *prima facie* be seen that the witnesses whose statements have been recorded, do not attribute any direct role to the present Applicant, as the Cashier, in the matter of the alleged misappropriation. A reference in this regard can be made to the

statement of Vijay Pakhale recorded on 13 July 2018. It further appears that the Assistant Registrar Co-operative Societies had conducted an inquiry under Section 88 of the Maharashtra Co-operative Societies Act, for fixing responsibility and the order dated 30 December 2020 passed by the Assistant Registrar shows that the responsibility in respect of the amounts as noted in the final order has been fixed on the co-accused Kavita Yadav, Savita Jadhav and Yashwant Yadav. In other words even in the inquiry under Section 88 of the said Act no responsibility has been fixed on the present Applicant.

7. Although the matter of fixing civil liability under Section 88 of the said Act may be distinct than the criminal liability, *prima facie* at this stage regard can be had to the fact that the Applicant has not been held responsible in the said inquiry. The investigation is complete and the charge-sheet is filed.

8. Considering the overall circumstances, the following order is passed.

ORDER

(i) The applicant-Arjun Abhiman Agam be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.

- (ii) The applicant shall undertake to remain present during the trial, unless exempted.
- (iii) The applicant shall not tamper with the prosecution evidence/witnesses.
- (iv) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.