

Chitra Sonawane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1976 OF 2022

Sharad A. Sonpasare

Age 35 yrs.

r/a Flat no.205, C wing, Jai

Maharashtra Housing Society

Ambi road, Varale, PUNE-415507

... **Applicant.**

V/s.

The State of Maharashtra

(through Telgaon MIDC police

station)

... **Respondent.**

...

Mr.Vaibhav V. Ugale, Advocate for Applicant.

Mr.PH. Gaikwad, A.P.P. for Respondent-State.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 21st JULY, 2022.

PC. :

1. Apprehending his arrest the applicant has moved this application under Section 438 of Cr.PC for the offences punishable u/s 406, 420 r/w 34 of the Indian Penal Code.

2. In short, it is alleged that the applicant is a Treasurer of Jai Maharashtra Sahakari Cooperative Housing Society Limited. In the year 2013, one of the

Committee members informed the informant and others that they will purchase a land at village Varale, Maval, Pune. Land was purchased in order to make construction and each of the member will get 2 BHK flat. Applicant, being Treasurer of the Society, received Rs.5 lakhs each from 60 members in the name of the Society and purchased Plot No.5, Survey no.71/1/2 at village Varale. Work of construction was entrusted to a builder by name Nitin Deo. Though the builder could not complete the construction till 2018, yet he had transferred Rs.21 lakhs in the account of wife of the Secretary. It is the contention of the prosecution that the applicant is hands-in-gloves with the builder in misappropriating the amount by committing criminal breach of trust.

3. Learned APP submits that the Investigating Officer is absent. However, he is fair enough to make a statement that if the applicant cooperates with the Investigating Officer, his custodial interrogation may not be required. In light of such statement, following order is expedient.

- i) In the event of his arrest, the applicant be enlarged on furnishing a PR bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- ii) The applicant shall attend Talegaon, MIDC police station on every Monday and Friday between 10.00 a.m to 1.00 p.m.

- iii) The applicant shall furnish his residential address and cell number to the Investigating Officer.
 - iv) The applicant shall not influence any of the prosecution witness and shall not tamper with the prosecution evidence.
 - v) The applicant shall not leave the jurisdiction of concerned Police station without prior intimation to the Investigating Officer.
 - vi) Breach of any of the condition, would entitle the prosecution to apply for cancellation of bail.
4. The application stands disposed of in aforesaid terms.

[PRITHVIRAJ K.CHAVAN, J.]