

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.3087 OF 2021

Shivanand Mallikarjun Mamdapure ...Applicant

Vs.

The State of Maharashtra ... Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2449 OF 2021

Shivaji Chandram Dodmani ...Applicant

Vs.

The State of Maharashtra ... Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.3037 OF 2021

Shanta Ramchandra Asade ...Applicant

Vs.

The State of Maharashtra ... Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.3088 OF 2021

Radhika Sanmukh Mhetre ...Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.V.S. Tadke for the Applicant in ABA No.3087 of 2021.

Ms.Vilasini Balsubramanian i/b Mr.Jaydeep D. Mane for the Applicant in ABA No.2449 of 2021 and 3088 of 2021.

Mr.Harshad M. Inamdar for the Applicant in ABA No.3037 of 2021.

Mr.A.R. Kapadnis, APP for the Respondent-State.

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CORAM : C.V. BHADANG, J.

DATE : 3 MARCH 2022

P.C.

. These Applications seeking anticipatory bail arise out of Crime No.213 of 2017 registered with Sadar Bazar Police, District-Solapur under Section 403, 417, 467, 468, 420, 471, 409 read with Section 34 of the Indian Penal Code.

2. The aforesaid Crime is registered on the basis of the complaint lodged by Mr.Rahul Bhau Katkar, Social Welfare Inspector. As per the FIR, *Pooja Magasvargiya Niting and Garments Audyogik Utpadak Sahakari Marayadit, Solapur* ('Society' for short) was formed in the year 2007. The Government had granted financial assistance by way of loan of Rs.2,09,24,000/- to the said Society out of which the Society had availed of Rs. 1,24,62,000/-. The said loan was granted for construction of a building which was to be completed within 52 weeks. A contract for construction of the building was awarded to co-accused Abhijit Jadhav on 28 November 2013. As per the terms of the grant of the loan the loan amount was to be transferred to the joint account operated by the Chairman of the Society Mr.Vankatesh Ramchandra Asad (A1) and the Joint Commissioner of the Social Welfare Department.

3. The gravamen of the allegations against the accused all that (i) the building was not constructed within the stipulated time, that is within 52 weeks and there was a breach of contract in that regard and (ii) the Chairman without any authority or prior permission had withdrawn an amount of Rs.1,47,05,000/-from the joint account.

4. The Applicants Shivani Dodmani (A3), Smt.Radhika Shanmukh Mehtre (A8) and Shivanand Mallikarjun Mandadpure (A11) are the Directors of the Society, while the Applicant Smt. Shanta Ramchandra Asade (A9) is the then Secretary.

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

6. It appears that except the then Chairman Vyankatesh Asade (A1) and the accused Paparao Vitthal Waghmare (A16), Balkrushna Narsappa Lola (A18) and Santosila Shashank Bhosale (A19) all other accused are either released on regular bail or they are on interim protection.

7. Upon hearing the learned counsel for the parties, it appears that, insofar as the first allegation about the non completion of the building within the stipulated time is concerned, that may not require any custodial interrogation.

Insofar as the second allegation of the withdrawal of Rs.1,47,05,000/- from the joint account is concerned, it is undisputed that the said amount has been withdrawn by the Chairman. As noticed earlier the account was to be operated by the Chairman and the Joint Commissioner SCST of the Social Welfare Department. It is neither the prosecution case nor there is any material to show that any such amount was either withdrawn by the present Applicants or has come to them in any manner.

8. The investigation is partly complete and charge-sheet is already filed.

9. There is an interim protection operating in favour of the present Applicants. Considering the overall circumstances, and particularly having regard to the fact that the allegations about the withdrawal of the amount are against the Chairman and not against the Applicants, hence the following order is passed.

ORDER

(i) In the event of their arrest in connection with investigation of Crime No.213 of 2017 registered with Sadar Bazar Police, District-Solapur, the applicants-Shivanand Mallikarjun Mamdapure, Shivaji Chandram Dodmani, Shanta Ramchandra

Asade and Radhika Sanmukh Mhetre shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

(ii) The Applicants shall report to the Investigating Officer as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(iii) The Applicants shall not tamper with the prosecution evidence/witnesses.

(iv) The Criminal Applications are disposed of in the aforesaid terms.

C.V. BHADANG, J.