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

ANTICIPATORY BAIL APPLICATION NO. 3096 OF 2021

Bapuso Ramchandra Patil & Ors. ..Applicants

V/s

The State of Maharashtra ..Respondent

WITH

INTERIM APPLICATION NO. 319 OF 2022

Sanjay Govindrao Kalikate ..Applicant

IN THE MATTER BETWEEN

Bapuso Ramchandra Patil ..Applicant

V/s

The State of Maharashtra ..Respondent

Mr. Umesh Pawar i/by Prashant Bhavake, for the Applicant.

Mr. A. A. Palkar, APP for the Respondent-State.

Ms. Suvarna S. Yadav, for the Intervener.

CORAM: NITIN W. SAMBRE, J.

DATE: SEPTEMBER 28, 2022

P.C.:-

1] Heard.

2] For the reasons stated in the Interim Application for intervention, same is allowed.

3] Applicants are seeking pre-arrest bail in C.R. No.301 of 2021

registered with Radhanagari Police Station, Dist. Kolhapur for the offences punishable under Sections 420, 467, 468 of the Indian Penal Code.

4] All the Applicants, so also the Complainant are members of Shri Rajashree Shahu Shikshan Prasarak Mandal, Shirgaon, Tal. Radhanagari, District Kolhapur, which is governed by the Maharashtra Public Trusts Act. The case of the complainant is, Applicants have conspired and shown to have held the meeting on 25th July, 2021, thereby conducting elections of the Society and submitted change report. As such, claim is, no such meeting was held and record to that effect was forged so also offence of cheating is alleged.

5] Submissions of Counsel for the Applicants are, appropriate proceedings under the Maharashtra Public Trusts Act in relation to the said change report proceedings are pending adjudication before the Joint Charity Commissioner. According to him, all the record is also submitted to the Investigating Officer. As such, custodial interrogation of the Applicants is not necessary, as alleged offence is based on the documents.

6] While countering the submissions, learned APP on instructions informs that investigation has been carried out and Applicants have submitted relevant documents. Counsel for the complainant would urge that involvement of the Applicants in a serious offence of cheating and forgery can be inferred, particularly having regard to the

fact that record of the holding of meeting was forged. Change report proceedings are decided within shortest period of three days. She would further urge that as against Applicant No.1, offence punishable under Sections 325, 326 of the IPC is also pending.

7] I have appreciated said submissions.

8] At the behest of Applicants change report proceedings were submitted before the Assistant Charity Commissioner under Section 22 of the Maharashtra Public Trusts Act against which an appeal is informed to be pending before the Joint Charity Commissioner. The issue as to whether there was lawful change in the Trust or not is subjudice before the competent authority under the special statute. It is further brought to my notice that Applicants have already handed over all papers in original to the Investigating Officer and have cooperated in the investigation. If allegations in the complaint are appreciated, offence is allegedly based on documents which are already in the custody of the Investigating Officer. Applicants were on ad-interim protection for almost a period of one year. As such, case for confirmation of ad-interim protection is made out.

9] Applicants in the event of their arrest in C.R. No.301 of 2021 registered with Radhanagari Police Station, Dist. Kolhapur for the offences punishable under Sections 420, 467, 468 of the Indian Penal Code, be released on bail on executing P.R. Bond of Rs 15000/- each with one or more sureties in the like amount. Applicants shall

neither influence the witnesses in any manner nor tamper with the evidence. Applicants shall attend the Investigating Officer of the concerned Police Station from 3rd October, 2022 to 6th October, 2022 between 10.00 A.M. and 12.00 Noon and thereafter as and when directed by the Investigating Officer.

10] Needless to clarify that change report proceedings which are pending on the file of Joint Charity Commissioner be decided independent of the findings recorded in this order.

11] Anticipatory Bail Application as well as Interim Application for intervention are disposed of.

(NITIN W. SAMBRE, J.)