

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Anticipatory Bail Application (ABA) No. 41 of 2022

Prakash S/o Baburao Wadichar

Versus

State of Maharashtra, through Police Station Officer, Police Station
Ramnagar, Dist. Gondia.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.S.Mishra, Advocate for the applicant.

Shri M.J.Khan, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 28th FEBRUARY, 2022.

On a revelation of defalcation of amount of Rs.57,91,103/- by the Directors of Sant Narhari Nagri Sahkari Pat Sanstha, Gondia in the audit report, Crime No.469 of 2021 was registered with Police Station Ramnagar, Gondia, against the fourteen persons including the applicant for the offences punishable under Sections 34, 409, 420, 467, 468, 471 and Sections 3 and 4 of Maharashtra Protection Interest of Depositors (In Financial Establishments) Act, 1999. The applicant is seeking anticipatory bail in the aforesaid crime.

2. Shri Mishra, learned counsel for the applicant submits that though there is no dispute that from 2008 to 2018 and thereafter from 2021, the applicant worked as a Director, however, he is no way connected with the alleged offence, as there are no resolutions to which he was signatory. It is submitted that he did not participate in any meeting wherein decisions were taken and related to which the amount is alleged to have been defalcated. He, therefore, submits that interim protection granted to him vide order dated 2nd February, 2022 may be confirmed. It is submitted that though the aforesaid protection was granted on the ground of marriage of son, however, as there is no incriminating material available against the applicant in the alleged offence, he may be granted pre-arrest bail.

3. On the other hand, Shri Khan, learned Additional Public Prosecutor strongly opposed the application and submits that he was the Secretary and also worked as a Director. It is submitted that looking to the duties of the Director, he is responsible for his irregularity as pointed out in the audit report.

4. On perusal of the case diary and also after going through the First Information Report, it can be seen that there is defalcation of huge amount. However,

no material thereto, *prima-facie* shows the involvement of the applicant in the alleged offence. No resolution is pointed out, having signature of the applicant. As no *prima facie* incriminating material is available, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

ORDER

- i. The application is allowed.
- ii. In the event of arrest of applicant in Crime No. 469 of 2021 registered with Police Station, Ramnagar, District Gondia for the offences punishable under Sections 34, 409, 420, 467, 468, 471 and Sections 3 and 4 of Maharashtra Protection Interest of Depositors (In Financial Establishments) Act, 1999, the applicant be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand) with a solvent surety of like amount.
- iii. The applicant shall attend the concerned Police Station on every Saturday and Sunday between 10.00 am to 12.00 noon for six weeks and thereafter, as and when his presence is required.
- iv. The application is accordingly disposed of.

[ANIL S. KILOR, J.]

SACHINDANAND
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