

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

CRIMINAL APPLICATION (ABA) NO. 451 OF 2022

Nandkishor s/o Motiram Bhoyar and others **Versus** State of Maharashtra, thr. PSO,
PS. Karanja City, District Washim.

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

Court's or Judge's Order

Shri T.U. Tathod, Advocate for the applicants.

Shri S.D.Sirpurkar, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.
DATED : 12/07/2022.

1. The applicant is seeking pre-arrest bail in connection with Crime No.79 of 2020, registered with Police Station, Karanja, District Washim, for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code, 1860 and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2. Shri T.U. Tathod, learned counsel for the applicants submits that the applicants are the Teachers working in the Zilla Parishad. The complainant lodged a complaint against the applicant, alleging that the accused persons have misappropriated the amount of Rs. 4,90,83,180/-. Thereupon, the audit was conducted and in the audit, the liability which was fixed on each of the applicant was of Rs. 1,99,556/-. He submits that the said amount has already been deposited by all the applicants and

hence there will be no recovery against the applicant in the alleged offence.

3. He further submits for the audit all the record of the Pat Sanstha was taken into custody by the auditor. As such, nothing is to be recovered as far as documents are concerned, from the applicant. In the circumstances, he submits that the applicants may be released on pre-arrest bail.

4. On the other hand, Shri S.D. Sirpurkar, learned APP strongly oppose the present application.

5. I have perused the Case-diary, Application and the Reply filed by the State.

6. In the reply of the State, it is specifically stated that after granting ad-interim anticipatory bail, the applicants attended the Police Station and they have cooperated the investigating officer in the investigation.

7. The audit report fixes the liability of Rs. 1,99,556/- on each of the applicants, which they have individually deposited. As such, there will be no recovery as far as the amount is concerned.

8. Moreover, as the audit was conducted on the basis of documents, nothing is to be recovered, as regards the documents from the applicants. As such, I am of the opinion that in the above referred backdrop, further

custodial interrogation of the applicant is not necessary.
Accordingly, I pass the following order:

- i] The criminal application is **allowed**.
- ii] The order granting *ad interim* protection dated 28/06/2022, is confirmed with modification that applicants shall attend the concerned Police Station, as and when their presence is required.

[ANIL S. KILOR, J.]