

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

Anticipatory Bail Application No. 837 of 2021

Anil Devrao Kendre

Versus

State of Maharashtra, through Police Station Officer, Mangrulpir Tah.
Mangrulpir, Dist. Washim

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

Court's or Judge's Order

Shri R.M.Pande, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 29th MARCH, 2022.

The Crime No. 269 of 2018 was registered with Mangrulpir Police Station, Washim for the offences punishable under Sections 406, 409, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, on a report lodged by one of the investors against the office bearers of Multi State Co-operative Credit Society and the employees including the applicant. The allegations are that investors were instigated to invest the amount in the said society and the society has duped them.

2. The applicant is the Zonal Manager of the Credit Society. It is submitted that being employee he had to follow the instructions of the Board of Directors in respect of acceptance of amount or transfer of amount. It is submitted that all decision making powers were with the Board of Directors.

3. Shri Pande, learned counsel for the applicant further submits that the applicant has been attending the police station in compliance with one of the directions of this Court while granting ad-interim anticipatory bail to the applicant vide order dated 7th December, 2021. It is submitted that all the documents relating to the alleged offence have already been seized by the police and therefore the custody of the applicant is not required.

4. Shri Khan, learned Additional Public Prosecutor strongly opposed the present application. He submits that from the bank account of the applicant, it appears that he has received some monetary benefits in the alleged offence. He has drawn attention of this Court to some of the entries namely entry of Rs.1,20,000/- dated 24th October, 2018, two entries of Rs.50,000/- each of dated 6th April, 2017 and last entry

of Rs.2,00,000/- dated 29th April, 2017. He, therefore, submits that the custody of the applicant is necessary.

5. Shri Pande, learned counsel for the applicant submits that those entries are not towards the monetary benefits received by the applicant, but those entries were towards the salary to be received by the applicant from the society while working as a Zonal Manager.

6. I have perused the case diary and also the documents through which the learned Additional Public Prosecutor has taken to this Court.

7. The applicant is a Zonal Manager. The applicant was granted ad-interim anticipatory bail vide order dated 7th December, 2021 and he has been attending the said police station. There is no complaint about abuse of concession granted to the applicant. It is not the case of the prosecution that the prosecution wants to recover or seize some documents from the applicant. In that view of the matter, I am of the opinion that in this case custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order.

ORDER

- i. Application is allowed.
- ii. Order dated 7th December, 2021 is confirmed with modification that the applicant shall attend the concerned police station as and when his presence is required.

[ANIL S. KILOR, J.]

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