IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.35 OF 2023

Abasaheb @ Dattatraya Prakash Sutar,
Age 41 years, Occu. Serice,
R/o. Mirajgaon, Taluka Karjat,
District Ahmednagar .. Applicant
(Original accused)

Versus

The State of Maharashtra
Through Police Station Officer,
Karjat Police Station,
Taluka Karjat, District Ahmednagar .. Respondent

Mr. R. R. Karpe and Mr. S. K. Patil, Advocates for Applicant;
Mr. S. B. Narwade, A.P.P. for Respondent/State

CORAM : S. G. MEHARE, J.

DATE : 08-02-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State at legnth.

2. By the present application, the applicant is seeking regular bail in C.R.No.505 of 2021 registered at Karjat Poalice Station, District Ahmednagar, for the offences punishable under Sections 420, 406, 408 and 409 read with Section 34 of the Indian Penal Code read with Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

3. The applicant was a Clerk responsible for maintaining the accounts in Sina Parisar Nagari Sahkari Patsanstha, Mirajgaon, Taluka Karjat, District Ahmednagar. The fraud came to be discovered after the death of the manager. Then the audit for the year 2019-20 and 2020-21 was conducted. In the audit, the auditor found that the duplicate accounts were prepared and the cash was actually not deposited in any account. During the course of alleged fraud, the applicant was a Clerk in the said co-operative credit society.

4. It has been vehemently argued by the learned counsel for the applicant that all other co-accused have been granted anticipatory bail. The deceased Manager was responsible for operating the lockers. The manager was responsible for the accounts. The applicant had resigned in the year 2019. He is not responsible for alleged fraud. Nothing is to be recovered from him. Hence, he may be granted bail.

5. The learned A.P.P. has pointed out that the auditor’s report was specific, pointing out the specific role attributed to the applicant. He was responsible for the entries in the accounts. It was discovered in the audit that the duplicate entries have been taken in the duplicate accounts. The applicant was responsible for the same. A systematic fraud has been played and a huge amount has been siphoned. Recently, the liability of Rs.74,74,378/- has

been fixed against the applicant under Section 88 of the Maharashtra Co-operative Societies Act. The offence is serious. The applicant was the shareholder in the fraudulent amount.

6. Perused the papers. There is a direct evidence against the applicant maintaining the forged entries in the duplicate accounts. He being a Clerk of the Patsanstha was responsible to maintain the accounts. *Prima facie* the strong evidence is against him. The offence is serious. Hence, it is not desirable to grant him bail.

7. For the above reasons, the application stands dismissed.

(S. G. MEHARE, J.)

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