

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 77 OF 2023

Ganesh Mahadev Khatkale

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. A.M. Reddy, Advocate for the applicant.

Mr. A.A. Jagatkar, APP for respondents.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th FEBRUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 172/2022, registered with Shevgaon Police Station, Ahmednagar, for offence under sections 406, 420, 504, 506 of the Indian Penal Code and under sections 3 and 4 of M.P.I.D. Act.

2. FIR is lodged by a depositor of Atharvaraj Multi State Agro Purpose Co-operative Society Ltd., branch Shevgaon, alleging that she has kept Rs. 30,000/- in fixed deposit with said society and said deposit matured on 24.02.2020. However, maturity amount was not given to her. On 09.10.2020, she went to Sangola branch of said society wherein she met with two

colleagues of Chairman namely Navnath Khatke and Ganesh Khatkale and they told her that society has purchased property from the fixed deposits kept by depositors. She therefore contended that she is cheated.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. According to the applicant, he was working as clerk with the said society and he has resigned on 30.11.2014 (Exhibit-D Page No. 34). His resignation is accepted by society vide communication dated 10.12.2014 (Page No. 35). The applicant has further placed on record a copy of complaint addressed by him to Police Station Officer Sangola Police Station alleging that Chairman has shown him as director of said Patsanstha, without his knowledge. He therefore, claimed that by misusing his documents, Chairman has wrongfully shown him as director of said Patsnanstha. Perusal of these documents show that there is substance in the contention of the applicant.

5. On going through the investigation papers there does not appear any material showing involvement of applicant in the alleged offence. The applicant was granted interim protection and was directed to attend the police station. He has attended the police station and has co-operated in the investigation. Nothing is to be recovered from the applicant. Pre-trial custodial detention of the applicant is not necessary in the facts of the present case. In the result, application is allowed.

6. In the event of arrest of applicant in connection with Crime No. 172/2022, registered with Shevgaon Police Station, Ahmednagar, for offence under sections 406, 420, 504, 506 of the Indian Penal Code and under sections 3 and 4 of M.P.I.D. Act, applicant shall be released on executing personal bond of Rs. 15,000/- with one surety in the like amount.

7. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by investigation officer and shall co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]