

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

916 BAIL APPLICATION NO.213 OF 2023
WITH APPLN/522/2023 IN BA/213/2023

SHARAD LAXMAN NIMSE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Rahul R. Karpe.
APP for Respondent-State : Mr. K. S. Patil.
Advocate for applicants in Cri.Appln/522/23 : Mr. Kakde
Yuvraj Vijayrao.

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CORAM : S. G. MEHARE, J.
DATE : 01.03.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the members of the *Pata Sanstha*.

2. The applicant was the Ex Vice Chairman of Rahuri Taluka Rajmata Jijau Nagari Sahakari Pata Sanstha Maryadit, Rahuri. The re-audit was performed and it was found that the amount more than Rupees Seven Crore has been misappropriated. The report is based upon the final audit report. The final audit report reveals that mostly the amount without any resolution of the Managing Committee for loan or mortgage or pledge was transferred in the accounts of the then

Manager of the Sahakari Pata Sanstha. The earlier two auditors have also been arraigned as accused for their negligence and not reporting the authority. *Prima facie* it appears that role attributed to the applicant is not so active, except being office bearer. Therefore, the argument opposing the application by the learned counsel for the complainant that the applicant has shared the misappropriated money, cannot be accepted. The immovable property of the applicant has already been attached to recover the so called misappropriated amount. The material investigation against the applicant has been completed. His role appears limited to run the day-to-day business of the society, after the resignation of the then Manager. Considering the facts of the case and material placed on record, the applicant appears to have a good case for bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SHARAD LAXMAN NIMSE** be released on bail on furnishing P.B. and S.B. of Rs.1,00,000/- (Rupees One Lakh only) with one or two equal solvent sureties of Rs.50,000/- each, in Crime No.1155 of 2022, registered by Police Station

Rahuri, District Ahmednagar, for the offences punishable under Sections 409, 420, 465, 477-A read with Section 34 of the IPC and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) He shall attend the Police Station as and when called by the Investigating Officer on written notice till filing charge sheet.
- (iii) Criminal application No.522 of 2023 to assist the learned APP is allowed.

(S. G. MEHARE, J.)

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vmk/-