

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 886 OF 2023

Satish s/o Narayan Shinde

Applicant

Versus

The State of Maharashtra

Respondent

Mr. B. R. Kedar, Advocate for the applicant.

Mr. V. S. Badakh, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 27th JULY, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 684/2017, registered with Sadar Bazar Police Station, Dist. Jalna, for the offences punishable under Sections 409, 420 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1999.

2. The first informant claims that he had deposited a sum of Rs. 1,00,000/- on 24th July, 2017, with Dhopteshwar Multi State Urban Cooperative Credit Society Limited, Branch Jalna. After some

time, it was revealed to him that the branches at Nasik are closed down. He, therefore, felt that he is being cheated.

3. Learned counsel for the applicant states that the applicant was appointed as a Manager in the said branch by appointment letter dated 27th February, 2017. He drew attention of the Court to the communication dated 12th April, 2018, addressed by the Liquidator. According to him, though he has no documents to show the date on which the Liquidator was appointed, however, the appointment of the Liquidator was immediately after the appointment of the present applicant as a Manager. Attention of the Court is also drawn to the letter issued by the Chairman of the society to the concerned police station wherein it was undertaken by the said Chairman about refund of the amount to the depositors. Thus, according to him, there is no evidence to connect the applicant with the crime in question.

4. Learned APP though opposed the application however, he was unable to show any evidence from record which would show complexity of the present applicant in this crime.

5. Record indicates that the branch at Jalna was functional only for a period of one year. Its functioning commenced from April 2016 meaning thereby that by April 2017 the said branch was closed down. The appointment date of the present applicant is 27th February, 2017. It is thus clear that he would have started working in the said branch from 1st March, 2017 onwards. Precisely, for a period of about a month he has worked therein. In such circumstances, he could not be held responsible for the misappropriation, if any, caused during the period prior to his appointment. For want of any evidence to connect him with the crime, his liberty is protected. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant in connection with Crime No.684/2017, registered with Sadar Bazar Police Station, Dist. Jalna, for the offences punishable under Sections 409, 420 read with section 34 of the Indian Penal Code and Sections 3 and 4 of The Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen

Thousand only) with one solvent surety in the like amount.

(iii) He shall attend the concerned police station once in a week.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb