

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1724 OF 2023

KAKASAHEB GAJENDRA SHINDE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. B. B. Bhise

APP for Respondents: Mr. G. O. Wattamwar

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CORAM : R.M. JOSHI, J

DATE : OCTOBER 26, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 254 of 2023 registered with Nilanga Police Station, Dist. Latur for the offences punishable under Sections 409, 420, 467, 471 of the Indian Penal Code.

2. First information report shows that Applicant is the Secretary of Hanuman Teacher and Non-teaching Employees Credit Society Ltd. It is alleged that Applicant by forging signature of Chairman of the society has transferred total sum of Rs. 44,76,000/- into his personal account and misappropriated the said fund. It is stated in the FIR that rest of the amount except Rs. 47,088/- is deposited by him into the

account of society.

3. Learned Counsel for the Applicant states that as per the resolution passed by Society and certificate issued, nothing is recoverable from the present Applicant. It is his further submission that custodial interrogation of the Applicant is not necessary.

4. Learned APP opposed the application by pointing out that this is a case of forgery of signature of Chairman and for that purpose custodial interrogation of the Applicant would be necessary. It is submitted that on the face of it offence is committed by the Applicant.

5. There is substance in the contention of learned APP that act of the Applicant of transferring amount into his account cannot be justified. However, Society has itself issued certificate by stating that entire money is recovered moreover resolution is also passed to that effect. Thus, nothing is to be recovered at the instance of present Applicant. As far as obtainment of specimen signature of the Applicant in respect of forgery of Chairman is concerned, Applicant

can be directed to be treated into the custody of investigating agency for the purpose of obtainment of specimen signature and handwriting, if any.

6. In view of above, application is allowed.
Hence, the order:

O R D E R

- (i) In the event of arrest the of Applicant iin connection with with C.R. No. 254 of 2023 registered with Nilanga Police Station, Dist. Latur for the offences punishable under Sections 409, 420, 467, 471 of the Indian Penal Code , he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (ii) He shall attend the concerned police station once in fortnight till filing of the charge-sheet.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directred to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)