

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

ANTICIPATORY BAIL APPLICATION NO.1693 OF 2022

SIDRAMAPPA MANIKAPPA DONGARGE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. R. S. Deshmukh, Sr. Advocate i/b Mr. Vijay V. Deshmukh,
Advocate for Applicant

Mr. A. A. Jagatkar, APP for Respondents – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 08th FEBRUARY, 2023

PER COURT :

1. Applicant apprehends arrest in Crime No.479/2022, registered with Shivaji Nagar Police Station, District Latur, for offence punishable under sections 379, 406, 409, 420, 438, 467 and 471 of the Indian Penal Code.

2. FIR is lodged by Shivshankarappa Mallikarjunappa Bidave, alleging that he is President of Mahatma Basaveshwar Shikshan Sanstha, Latur, since 2014. Applicant was working as Principal of Mahatma Basaveshwar Mahavidyalaya, Latur, from 19/02/2020. It is alleged that in the appointment order of applicant, it was clearly mentioned that he will not take any policy decisions. There are disputes pending in respect of Management of the said Sanstha. As per order of the Hon'ble Supreme Court, the Deputy Charity Commissioner, Latur, has accepted change report

filed by the informant, by order dated 09/09/2022. The Governing Council members removed applicant from the post of Principal and appointed one Dr. Shrikant Gaikwad as In-charge Principal on 12/09/2022. While inspecting administrative records it was found that without informing anybody applicant has made Fixed Deposits of Rs.1 crore in a Cooperative Bank, which was previously deposited in a Nationalized Bank, so that more interest could be obtained from said Fixed Deposits. No original receipts of the fixed deposits are filed on record of the Society. On inquiry with Ambajogai Peoples Co-operative Bank, Ltd. for original receipts of fixed deposits, it was informed that original receipts of Fixed Deposits of Rs.1 crore are with the applicant. Applicant has not produced original register of *Bindu Namavali*.

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

4. *Prima facie* the FIR appears to have been lodged due to dispute in the Management. Applicant has placed on record copy of communication dated 03/12/2022, issued by Ambajogai Peoples Co-operative Bank, Ltd. to the Police Sub Inspector, Shivaji Nagar Police Station, Latur, wherein it is stated that original receipts of fixed deposits of Rs.1 crore were initially given to the applicant,

however, after renewal, the original receipts are with the Bank. Applicant is now suspended by the present Management and has no control over the record of the Society.

5. Applicant was protected by the interim order and he has cooperated in the investigation. The offence pertains to the documents and some of them are yet to be seized. But, those documents are to be seized by the present Management. *Prima facie*, there does not appear any substance in the allegation made in the FIR that original fixed deposits' receipts are with the applicant. Considering these facts, pre-trial custodial detention of applicant is not necessary as nothing is to be recovered from applicant.

6. In the result, application is allowed. In the event of arrest of applicant in Crime No.479/2022, registered with Shivaji Nagar Police Station, District Latur, for offence punishable under sections 379, 406, 409, 420, 438, 467 and 471 of the Indian Penal Code, applicant 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 concerned police station as and when called by investigating officer. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)