

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

ANTICIPATORY BAIL APPLICATION NO.1719 OF 2022

**ANNIRUDHA @ ANIRUDHDH RANGNATH PATIL
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Vikram R. Dhorde, Advocate for Applicant
Mr. V.S. Badakh, APP for Respondents – State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 02nd MARCH, 2023

PER COURT :

1. Applicant apprehends arrest in Crime No.335/2022, registered with Songir Police Station, Dhule, for offence punishable under sections 406, 409, 420, 465, 467, 468 and 471 of the Indian Penal Code.

2. On the basis of order passed by learned Judicial Magistrate First Class, Court No.6, Dhule, in Cri. M.A. No.483/2022, filed by Pandurang Rajaram Patil, the FIR is registered wherein it is alleged that informant is Ex-President and present Trustee of Kapadane Vidya Prasarak Sanstha, Kapadane, Dhule, (for short 'the Sanstha'). It is, in short, alleged in the FIR that, for the years 2009 to 2012, one Gulab Rupla Patil was President and applicant was Secretary of the said Sanstha. As per by-laws of the Sanstha, applicant was custodian of all records. The bank transaction of the

Sanstha used to be done on the joint signature of President and Secretary. On 03/11/2011, amount of Rs.5 Lakhs was invested in the Bank of Maharashtra in F.D.R., initially for period of two years. The F.D.R. was not to be encashed without permission of University. New Managing Committee was elected for the period 2012 to 2015. In the new Managing Committee informant was President and Gulab Rupal Patil was Secretary. Though the term of applicant was over as Secretary on 13/09/2012, he kept all the record in his custody with ill-intention. He by fabricating resolution had shown himself as President for the period 2012 to 2015 and submitted change report. His change report was rejected by the Assistant Charity Commissioner. By the forged resolution, he was shown as authorized to conduct bank transactions. On 12/11/2013, fixed deposit was renewed by the applicant. It had accrued interest of Rs.90,315/- out of which Rs.80,000/- were withdrawn by the applicant. Applicant and Raghunath Ankush Patil in collusion with each other have misappropriated amount of Rs.7 Lakhs to Rs.8 Lakhs of the said Sanstha. Admittedly, there is dispute in the Management of the Society as informant on one side and applicant and others on the other side. Both the sides have filed change report. Even other litigation is pending between informant and applicant.

3. Heard learned advocate for applicant and learned Additional Public Prosecutor for State. Perused the papers of investigation.
4. It appears from the investigation papers that amount of Rs.6,60,641/- is reflected in the audit report of 2017-2018.
5. As per the report of investigating officer cheque book, pass book, original account book, proceedings book, cash book and deposit registers are not produced by the applicant. Admittedly, applicant is not in power since long and the charge is given to the Headmaster. Prosecution case is based on documents, which are not in the custody of applicant.
6. Considering the dispute in the Management, *prima facie* possibility of false implication of applicant cannot be ruled out at this stage. Applicant is 70 years old person.
7. Applicant was granted interim protection and he has cooperated in the investigation. Investigation appears to be on the verge of completion. Nothing is to be recovered from applicant. Therefore, pre-trial custodial detention of applicant in the facts of the present case is not necessary.
8. In the result, application is allowed.

9. In the event of arrest of applicant in Crime No.335/2022, registered with Songir Police Station, Dhule, for offence punishable under sections 406, 409, 420, 465, 467, 468 and 471 of the Indian Penal Code, applicant be released on execution of Personal Bond of Rs.15,000/-, with one surety in the like amount.

10. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by investigating officer. Applicant shall not tamper the prosecution evidence.

(NITIN B. SURYAWANSHI, J.)