

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

**APPLICATION FOR CANCELLATION OF BAIL NO.172 OF 2019
WITH
APPLICATION FOR CANCELLATION OF BAIL NO.173 OF 2019**

**HARISHCHANDRA S/O AMBADAS MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr. V.D. Hon, Sr. Advocate i/b Mr. A.V. Hon Advocate for Applicant
Mr. A V. Deshmukh, APP for Respondent No.1 – State
Mr. R. S. Deshmukh, Sr. Advocate a/w Mr. Shriram Deshmukh,
Advocate i/b Mr. Devang R. Deshmukh, Advocate for Respondent
Nos. 2 to 5

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 09th FEBRUARY, 2023

PER COURT :

1. By these applications filed under Section 439(2) of Cr.P.C., applicant/original informant seeks cancellation of anticipatory bail granted to the accused/respondent Nos. 2 to 5 in Crime No.195/2019, registered with Rahuri Police Station, Ahmednagar, for offence punishable under Sections 406, 420, 465, 468, 471, 477(A) r/w 34 of the Indian Penal Code, by the learned Additional Sessions Judge, Ahmednagar, on 31/07/2019.

2. Heard learned senior advocate for applicant, learned Additional Public Prosecutor for State and learned senior advocate for accused/respondent Nos. 2 to 5. Perused the investigation papers.

3. Learned Additional Public Prosecutor while arguing the matter submits that the prosecution intends to conduct forensic audit of the Renuka Multi-State Cooperative Credit Society, Ahmednagar, where the accused have allegedly misappropriated the amount. Accused persons are Managing Committee Members and employees of the said society and Axis Bank.

4. Taking into consideration the order passed by the Sessions Court wherein it is observed that the prosecution case is based on documents which are already in the custody of investigating officer and physical custody of the accused persons is not necessary and the fact that anticipatory bail is granted to the accused persons on 31/07/2019 and till date they have not misused facility of bail, this Court is not inclined to cancel the anticipatory bail granted in favour of the accused. Applications being devoid of merits are rejected.

5. Needless to state that prosecution is at liberty to seek cancellation of anticipatory bail granted in favour of accused persons in case some material is found during forensic audit.

(NITIN B. SURYAWANSHI, J.)