

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 1960 OF 2023
(Serial No. 13)**

Madhukar Shivaji Salunkhe	...Applicant
vs.	
The State of Maharashtra	...Respondent

**ALONGWITH
ANTICIPATORY BAIL APPLICATION NO. 2001 OF 2023
(Serial No. 50)**

Shashikant Vasant Pawar	...Applicant
vs.	
The State of Maharashtra	...Respondent

**ALONGWITH
ANTICIPATORY BAIL APPLICATION NO. 2036 OF 2023
(Serial No. 901)**

Anil Balaso Jadhav	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Gautam T. Kanchanpurkar - Advocate for the Applicant in ABA 1960 of 2023.

Mr. Ganesh Bhujbal – Advocate for the Applicant in ABA 2001 of 2023 and ABA 2036 of 2023

Mr. S. R. Agarkar – APP for the Respondent-State

Arjun S. Chorge – PSI Karad City, Satara District.

CORAM : S. M. MODAK, J.

DATE : 20th JULY, 2023

P. C. :-

1. Heard learned Advocate Shri Kanchanpurkar for the

Applicant in Anticipatory Bail Application No. 1960 of 2023, learned Advocate Bhujbal for the Applicant in Anticipatory Bail Application Nos. 2001 of 2023 and 2036 of 2023 and learned APP for the Respondent – State. Officer is present.

2. The F.I.R. is lodged on the complaint of auditor Sampat Ananda Shinde with Karad City Police Station on 14/02/2023 for the punishable under Sections 406, 409, 420, 465, 468, 471 read with 34 of the Indian Penal Code. He has audited account of Shree Goleshwar Vividh Executive Co-operative Credit Society, Taluka Karad for the period 2020-21 and 2021-22. He has noticed several irregularities. He has submitted a report to the Deputy Registrar and on his direction the F.I.R. came to be lodged. Even before lodging of the F.I.R., he has called explanation from concerned person. It is there on page no. 23, dated 29/11/2022.

3. The allegations against the present Applicant-Madhukar is that in the account entry on 31/03/2021 an amount of Rs. 10,05,825/- is shown as a loan taken by the present Applicant. The first informant further mentions that it is recovered. The total misappropriated amount comes to Rs. 27,29,196.60/-. The auditor has bifurcated the amount as follows:-

- a) The amount of Rs. 10,05,825/- as loan given to the Applicant- Madhukar
- b) The amount of Rs. 11,10,176.07/- shows as bogus loss.
- c) The amount of Rs. 6,13,195.53/- shows as an amount due from one Aabaso Tatoba Jadhav and Salesman Pandurang Aabaso Jadhav.

4. There was no audit conducted for the year 2017-18 to 2019-20 in respect of grains and kerosene department. However, the fact of the misappropriation was revealed, when the first informant audited the accounts.

5. Mr. Kanchanpurkar argued that there are various documents which shows that amount towards loan of Rs. 10,05,825/- is already deposited by the present Applicant.

6. In order to prove his contention of the deposit Mr. Kanchanpurkar has invited my attention to following documents:-

- a) The explanation given by the co-accused Sandeep Kadam who was also Chairman arrested accused dated 07/12/2022 wherein on page no. 78, he has mentioned that an amount of Rs. 10,05,825/- is deposited by the Secretary.
- b) There are challans issued by Satara District Central Co-

operative Bank from page no. 143 to page no. 148. They are duly signed by the Secretary.

- c) Reference in para no. 8 of the order passed by the Court of the Additional Sessions Judge, Karad dated 24/06/2022 in respect of the present Applicant which mentions that he has deposited the amount.

7. Whereas learned APP submitted that the documents to that effect are not sufficient and whereas he invited my attention

- a) To a statement given by a co-accused Aabaso Tatoba Jadhav dated 08/03/2023. He has stated that the present Applicant-Madhukar by joining hands with the computer operator of Rubicon Solution Private Limited Company and then auditor has prepared that balance sheet.
- b) Statement given by arrested accused Sandeep Kadam, dated 07/12/2022, wherein he has not stated about deposit amount by the present Applicant.

8. Even though it may be true that there are allegations that the present Applicant-Madhukar with the help of co-accused has given false information and that is why the false balance sheet is prepared, still the fact remains that it is mentioned only in the F.I.R.

stated that the present Applicant-Madhukar has deposited that amount, we can overlook other documents but not facts stated by the auditor.

9. So far as the allegations about giving false information and preparing documents is concerned, I do not think that the custodial interrogation of the Applicant-Madhukar is required, because it can be verified on the basis of the records also. I am inclined to grant him pre-arrest bail.

10. So far as the Applicants - Anil and Shashikant are concerned, learned Advocate Shri Bhujbal invited my attention to:-

- a) The minutes of the meeting dated 10/03/2017 and the relevant correspondence on page no. 33 to page no. 37 as per resolution Society has decided to allot the shop to the co-accused Aabaso Tatoba Jadhav.
- b) The resolution is on page no. 37 mentions that the decision was taken so as to avoid further loss to the society.
- c) Figure shown by the auditor in the F.I.R. are not correct. According to him, the amount of Rs. 11,10,176.07/- includes the amount of Rs. 10,05,825/-.
- d) It is not clarified how these Applicants are concerned.

11. It is true that co-accused Aabaso Tatoba Jadhav has deposited an amount of Rs. 6,13,195.53/-, it is reflected in the order passed by the Court of the Additional Sessions Judge, Karad.

12. When query is put to Mr. Bhujbal he submitted that his client has given reply to the audit report but he has not annexed that reply. I am granting him some time. In view of that following order is passed:-

ORDER

- (i) Anticipatory Bail Application No. 1960 of 2023 is allowed.
- (ii) In case of arrest in connection with C.R. No. 160 of 2023 registered with Karad City Police Station for the offence punishable under Sections 406, 409, 420, 465, 468, 471 read with 34 of the Indian Penal Code, the Applicant-Madhukar Shivaji Salunkhe be released on furnishing Personal Bond and Surety Bond in sum of Rs. 25,000/-.
- (iii) He is directed to give attendance to the Karad City Police Station on 26/07/2023, 02/08/2023 and 09/08/2023 and co-operate the Police as and when required.

13. Anticipatory Bail Application No. 1960 of 2023 is disposed of in the aforesaid terms.

14. Other two Anticipatory Bail Applications Nos. i.e. 2001 of 2023 and 2036 of 2023 are kept on **03/08/2023, high on board as part heard.**

[S. M. MODAK, J.]