

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 204 OF 2021

Ranjeet H. Khavare
V/s.

...Applicant

The State of Maharashtra

...Respondent.

WITH

INTERIM APPLICATION NO. 875 OF 2021

Mr. U.R. Mankapure for the Applicant.

Mrs. Veera Shinde, APP for the Respondent/State.

Mr. Sagar Tikak i/b Mr. Sachin K. Hande for the Intervenor in IA.

CORAM : N.R. BORKAR, J.
DATE : 23.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.

2. I have heard the learned counsel for the applicant, the learned APP for the State and the learned counsel for the complainant / intervenor.

3. This Court on 25 January 2021 passed the following order;

"1. The Applicant is seeking anticipatory bail in connection with C.R.No. 316 of 2020 registered with Ashta Police Station, Dist. Sangli, under the various sections of I.P.C. including cheating, forgery and criminal breach of trust.

2. The First Information Report (for short 'F.I.R.') is lodged by the auditor Shri. Rajendra Patil in respect of an offence committed in Rajarambapu Sahakari Pani Puravatha Sanstha Maryadit. At the end of the audit report, auditors found commission of an offence under various heads. The details are mentioned in the F.I.R.

3. Heard Shri. Mankapure, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

4. Shri. Mankapure submitted that, before the audit was completed, notice was issued to the society and it was answered through a reply dated 11/06/2019 filed by the applicant himself in his capacity as a Chairman of the said society. Shri. Mankapure submitted that his explanation in respect of those heads of allegations was not considered at all. He submitted that, if the reply is taken into account, it would be more than clear that no offence was committed.

5. The learned APP does not have assistance of the I.O. today. In this view of the matter, it is necessary for the investigating agency to consider this reply and the auditor's response to this reply referred to by Shri. Mankapure. Therefore, today I am adjourning the matter with interim relief to the present applicant. However, I am directing the applicant to attend the concerned police station and to co-operate with the investigation. At the same time, the investigating agency can also take steps to verify the claim of the applicant.

6. Hence, the following order.

O R D E R

(i) In the event of his arrest in connection with C.R.No. 316 of 2020 registered with Ashta Police Station, Dist. Sangli, till the next date, the Applicant be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) This order shall operate till 23/02/2021.

(iii) The Applicant shall attend the concerned police Station on 09/02/2021, 10/02/2021 and 11/02/2021 between 1:00 p.m. to 5:00 p.m. and shall cooperate with the investigation and give his explanation.

(iv) In addition, the applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.

(v) The learned APP shall file an affidavit of the I.O. pointing out the involvement of the applicant and the material collected against him, before the next date.

(vi) Stand over to 23/02/2021."

4. According to the prosecution, the present applicant and other co-accused, who were Chairman/Secretary of Rajarambapu Sahakari Pani Puravatha Sanstha Maryadit, during the period from 1 April 2012 to 31 March 2017 had misappropriated an amount of Rs.39,16,276/- of the said Sanstha.

5. The learned counsel for the applicant submits that during the above said period the accounts were audited and no irregularities were found. It is submitted that after registration of FIR, the enquiry under Section 83 of the Maharashtra Cooperative Societies Act, 1960 was conducted and Enquiry Officer had exonerated the applicant.

6. The learned counsel for the intervenor submits that the revisional authority has ordered re-inquiry. However, considering the overall facts and circumstances, I am inclined to allow the present application. The interim order passed by this Court dated 25 January 2021 is hereby confirmed.

7. The Anticipatory Bail Application is disposed of.

8. The Interim Application for intervention stands disposed of.

[N.R.BORKAR, J.]