

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.780 OF 2020

1. Pukar B. Aute
 2. Nadan B. Aute
 3. Shamshad S. Aute
 4. Punam I. Pirjade
- ...Applicants

V/s.

The State of Maharashtra and anr. ...Respondents.

Ms Rui Danawala i/b Mr. Umesh R. Mankapure for the Applicants.
Ms Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 15.03.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicants are apprehending their arrest in Crime No.164 of 2020 registered at Umadi Police Station, Dist. Sangli for the offences punishable under Sections 420, 465, 467, 468, 471 read 34 of the Indian Penal Code.
3. This Court on 21 October 2020 passed the following order.

"1. The applicants apprehending their arrest in connection with the investigation of Crime No.164 of 2020 registered with Umadi Police Station, District-Sangli under Section 420, 465, 467, 468, 471 read with Section 34 of the Indian penal Code, are seeking anticipatory bail.

2. *I have heard the learned counsel for the applicant and learned Additional Public Prosecutor. Perused record.*

3. *Prima facie it appears that the complaint is an outcome of a dispute between two groups of the trustees, in a trust namely Late Ramchandra Patil Shikshan Sanstha, Kunikonur, District-Sangli.*

4. *The learned counsel for the applicants pointed out that there are three change reports, filed by the applicants and one change report by the rival group. He pointed out that there were private complaints filed by the parties against each other and on the basis of a direction under Section 156(3) of Cr.P.C. in a complaint filed by the respondent No.2 that the present offence came to be registered. He points out that there was interim protection granted by the learned Sessions Judge on 25th September 2020. However, subsequently, the application seeking anticipatory bail came to be registered, inter alia on the ground that the applicants have kept the records of the trust with them. The learned counsel for the applicants points out that the applicant No.1 being a Secretary of the trust, was entitled to have the custody of the record of the trust.*

5. *The learned Additional Public Prosecutor seeks time to take instructions and to make further submissions.*

6. *In that view of the matter, the following order is passed.*

ORDER

(i) *Issue notice to respondent No.2, returnable on 02nd December 2020.*

(ii) *In the meantime, the protection granted by the learned Sessions Judge by order dated 25th September 2020 shall continue to operate till next date."*

4. I have perused the FIR. The main reason for filing the FIR appears to be dispute between the Managing Committee of the

Educational Trust viz., Late Ramchandra Patil Shikshan Sanstha, Kunikonur, Dist. Sangli. It appears that in relation to said dispute change reports are pending before the Charity Commissioner. There appears to be no need of custodial interrogation. Considering the overall facts and circumstances of the case, I am inclined to release the applicants on anticipatory bail. In the result the following order is passed.

A) The Anticipatory Bail Application is allowed.

B) In the event of arrest of the applicants in C.R. No. 164 of 2020 registered at Umadi Police Station, Dist. Sangli for the offences punishable under Sections 420, 465, 467, 468, 471 read 34 of the Indian Penal Code, the applicants be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount, subject to payment of Rs.25,000/- each by the applicants in the following bank account of Police Welfare Fund within three weeks from today:

*“Maharashtra Police Welfare Fund
A/c. No.914010029005759
IFSC Code No.UTIB00000060”*

5. List the application for compliance on 11 April 2023.

[N.R.BORKAR, J.]