

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2277 OF 2023

Jaypal Shankar Choudhari

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. A.V. Konde-Deshmukh a/w. Mr. Rohin Chauhan i/b. Mr. Ayush
Pasbola, for the Applicant

Mr. S.H. Yadav, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 23, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned
APP for the State.
2. This application is preferred seeking pre-arrest bail in
connection with C.R. No. 363 of 2023 registered at Islampur police
station for the offences punishable under sections 406, 409, 420,
468 and 465 read with 34 of Indian penal Code, 1860.
3. The applicant was posted as a Clerk with 'Jansamruddhi
Mahila Nagari Sahakari Patsanstha Maryadit'. A report was lodged
with the allegations that the then Chairman, other Directors and
Secretary of the society and the applicant committed fraud and
thereby defrauded the society and the investors of a sum of Rs.
3,15,270/-.
4. The learned counsel for the applicant submits that without

prejudice to the rights and contentions, the applicant has deposited a sum of Rs. 2,41,270/-. The co-accused has deposited the balance amount.

5. The question as to whether the applicant had the necessary animus to defraud the society and its members would be a matter for trial. In view of the deposit of the entire amount which was allegedly defalcated and having regard to the nature of the accusations, the custodial interrogation of the applicant does not seem warranted.

6. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. In the event of arrest in C.R. No. 363 of 2023 registered with Islampur police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

8. The applicant shall cooperate with the investigation and attend Islampur police station, on 30th, 31st October and 1st November, 2023 in between 10 am to 1 pm and thereafter as and when directed.

9. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of

the case.

10. The applicant shall regularly attend the proceedings before the jurisdictional Court.

11. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)