



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2789 OF 2022

Madhukar Kashinath Pachpande	...Applicant
vs.	
The State of Maharashtra and anr	...Respondents

Mr. Rajendra Anbhule i/b. Mr. Nikhil Chavan for the Applicant.

Mrs. Ashwini A. Takalkar, APP for the Respondent-State.

PSI Kumar K. Girigosavi, Nigodi Police Station, present.

CORAM : N. J. JAMADAR, J.

DATED : 24 AUGUST 2023

P. C. :

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. Apprehending his arrest in connection with CR No.371 of 2022 registered with Nigadi police station, Pimpri Chinchwad, Pune, for the offences punishable under Sections 406, 420, 465, 468, 471 read with 34 of the Indian Penal Code, 1860, the applicant has preferred this Application.
3. On 10 October 2022, this Court was persuaded to grant interim relief. It was observed, *inter alia* as under;

“2. The contention of the applicant is that, he was the director of the credit society, during the period from 2008

to 2014. Thereafter, he became chairman of the said co-operative credit society in 2015. He had forwarded a complaint, noticing certain irregularities in the Co-operative credit society. While rejecting application for anticipatory bail, the Sessions Court has observed that, the applicant was director at the relevant time and it is difficult to accept that he had no knowledge about the irregularities. The FIR or the order rejecting application for anticipatory bail does not indicate any concrete evidence about miss-appropriation of amount of the Co-operative credit society or indulgence of the applicant in the miss-appropriation.”

4. Learned APP on instructions submits that pursuant to the order passed by this Court, the applicant had appeared before the Investigating officer.

5. From the perusal of the FIR, it becomes evident that the role of defalcation and misappropriation at Sambhaji Nagar and Akurdi Branches of the Co-operative Credit Society, of which the applicant was a director during the relevant period, has been attributed to then the Chief Manager and Auditor.

6. Learned Sessions Judge, declined to exercise the discretion in favour of the applicant, as the applicant, in the view of the Sessions Judge, ought to have exercised better supervision and control over the affairs of the management.

7. The applicant's involvement in the alleged misappropriation is not *prima facie* made out. In the circumstances, I am impelled to make the interim order absolute. Hence, the following order,

ORDER

- i] Order of interim bail 10 October 2022 is made absolute on terms and conditions incorporated therein.
- ii] The applicant shall regularly attend the proceedings before the jurisdictional court.
- iii] Application stands disposed of.

[N. J. JAMADAR, J.]