



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3469 OF 2022

Vishnu Raghunath Zope

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Nitin Gaware-Patil for the Applicant.

Mr. P.H. Gaikwad, APP for the Respondent/State.

Shri Ravindra Babar, Dy.S.P. CID Nashik.

CORAM : N.R. BORKAR, J.
DATE : 24.04.2023

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 371 of 2012 registered at Sangavi Police Station, Pune, for the offences punishable under Sections 406, 409, 465, 467, 468, 472, 477 (A), 420, 471 read with 34 of the Indian Penal Code (IPC).
3. The report tendered by the learned APP of Deputy Superintendent of Police, State C.I.D., Nashik Division, is taken on record and marked "X" for the purpose of identification.
4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. The applicant was one of the directors of Sahakar Mitra Chandrakant Hari Badhe Sir Urban Cooperative Credit Society Ltd., Varangaon, Dist. Jalgaon. The allegations against the applicant are that he had withdrawn an amount of Rs.1,71,26,747/- (Rupees One Crore Seventy One Lakhs Twenty Six Thousand Seven Hundred Forty Seven) from Sangavi branch of the said credit co-operative society for transferring the same to the head office at Varangaon. However, during audit it was found that an amount of Rs.59,20,895/- (Rupees Fifty Nine Lakhs Twenty Thousand Eight Hundred Ninety Five) was not transferred to the head office at Varangaon. According to the prosecution, the applicant had misappropriated the said amount.

6. In addition to the present crime, the applicant is also an accused in one more crime registered at Varangaon police station, District – Jalgaon i.e. Crime No. 90 of 2010 of a similar nature. This Court thus, by order dated 18 December 2012 in Criminal Writ Petition No. 1072 of 2012 directed the investigation of both the crimes by one and the same Investigating Officer working under the control of State C.I.D.

7. Learned APP for the respondent-State submits that this Court has already rejected anticipatory bail of the present applicant by order dated 9 July 2013 and there is no change of circumstances to entertain the present application.

8. The crime is of the year 2012 and it appears that the prosecution has already filed the charge-sheet against the co-accused. Apart from it, pursuant to the order passed by this court dated 31 March 2023, the applicant has deposited an amount of Rs.25,00,000/- (Rupees Twenty Five Lakhs) with the liquidator of the said co-operative credit society. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

A) The Application is allowed.

B) In the event of arrest of the applicant in C.R. No. 371 of 2012 registered at Sangavi Police Station, Pune, for the offences punishable under Sections 406, 409, 465, 467, 468, 472, 477 (A), 420, 471 read with 34 of the IPC, the applicant be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

9. Needless to mention that an application, if any, is filed for bail or anticipatory bail in crime No. 90 of 2010 registered at Varangaon police station, District Jalgaon, the concerned Court shall decide it on its own merits.

[N.R.BORKAR, J.]