



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 577/2023

Sanjay s/o Laxmanrao Wankhade V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.K.Bhangde, counsel for the applicant.

Mrs. Mukta Kavimandan, APP for the State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/11/2023.

1. Present application is filed by the applicant under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No. 0583/2023 registered with Police Station Yavatmal, District Yavatmal for the offences punishable under Sections 409, 420, 467, 468 read with Section 34 of the Indian Penal Code, 1860.

2. The applicant is apprehending arrest at the hands of the Police as the crime is registered against the present applicant, on the basis of the order passed by the learned Judicial Magistrate First Class, Yavatmal under Section 156 (3) of the Code of Criminal Procedure.

3. As per the allegation by the complainant, he was the President of Baba Taj Rojgar and Swayam-rojgar

Bhandkam Seva Sahakari Santha, Digras, District Yavatmal, having registration No. 703 from the year 2012. The said cooperative institution has opened its account in a State Bank of India bearing account No. 34600943032, and the informant was authorised person to carry out the transactions. It is alleged that, as he did not receive the message from the bank, on inquiry, he came to know that the present applicant has informed the bank with his mobile number, and his mobile number 9423134900 was linked with the said account, and unauthorizedly and illegally he has withdrawn the amount of the bank of Rs. 17,95,000/-. On the basis of the said report, the Police have registered the crime.

4. It is submitted by learned counsel for the applicant, Mr. A.K. Bhangde, that, a resolution was passed by the Members of the Society, and the present applicant was authorised person to do the transactions regarding the payment of the workers and other monitoring transactions. He invited my attention to the letter dated 01/02/2019, which shows that a resolution was passed in favour of the present applicant, and he was authorised to withdraw the amount, deposit the amount by Challan, and make the payments of the labour etc.

5. Thus, he submitted that, from this letter itself, it is clear that the applicant is the authorised person to withdraw the amount and to carry out the transactions by using his mobile number. Thus, he has not committed any offence. On the contrary, there was an allegation against the present informant regarding misappropriation, and therefore, this false report is lodged against the present applicant.

6. The learned APP strongly opposed the present application on the ground that the custodial interrogation of the present applicant is required as the amount of Rs. 17, 95,000/- is yet to be recovered and the investigation is still in progress. Hence, the bail application deserves to be rejected.

7. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. During the investigation, the investigating officer has recorded various statements, including the statement of Anand Waman Madavi and others.

8. Furthermore, the statement reveals that, in the year 2019 there was a dispute between the members of the society on account of money transactions, and the members were divided into two groups. It further reveals that as the informant was not looking after the affairs of the society and was not attending the

meeting, a resolution was passed in favour of the present applicant, and he was the authorised person to carry out the monitory transactions by linking his mobile number with the account of the said co-operative institution.

9. Thus, the resolution which is pointed out by the present applicant, and the statement, it reveals that due to dispute between two groups, this report appears to be lodged. The resolution was passed by the Secretary and other members of the society, which is on record. At this stage, custodial interrogation of the present applicant is not required. In view of the statements and the resolution passed by the institution, it reveals that the applicant has linked his mobile number on the basis of the resolution and to carry out the monitory transaction on behalf of the institutions.

10. Furthermore, considering the material collected during the investigation, no case is made out against the present applicant. In view of that, criminal application deserves to be allowed. Accordingly, I proceed to pass following order.

A] The applicant -Sanjay s/o Laxmanrao Wankhade in the event of his arrest in connection with Crime No. 0583/2023 registered with Police Station Yavatmal,

District Yavatmal for the offences punishable under Sections 409, 420, 467, 468 read with Section 34 of the Indian Penal Code, 1860 is hereby released on anticipatory bail on executing PR. bond of Rs. 25,000/- with one solvent surety in the like amount.

- B] The applicant shall attend the concerned Police Station as and when required for the investigation purpose.
- C] The applicant shall not induce, threaten and pressurize any witnesses who are connected with the alleged crime.

Criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J]