



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

969 ANTICIPATORY BAIL APPLICATION NO. 1034 OF 2024

GOVIND KACHARU GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rahul R. Karpe

APP for Respondent/State : Mr. C.V. Bhadane

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 28th August, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.I-9 of 2021 registered with Shanishingnapur Police Station, Dist.Ahmednagar, for the offences punishable under sections 3, 4, 5, 6, 7, 8, 13 of the Maharashtra Protection of Interest of the Depositors (In Financial Establishments) Act, 1999 read with sections 402, 406, 408, 409, 417, 418, 419, 420, 421, 422, 423, 424, 426, 427, 465, 466, 468, 471, 474, 477, 477-A, 120-B, 107, 108, 109, 110, 111, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC").

2. It is prosecution's case that the applicant is employee of Bhairavnath Gramin Bigar Sheti Sahakari Patsanstha branch Wadala Bhairava, Tq.Newasa, Dist. Ahmednagar. It is alleged that the informant and other depositors have deposited the fixed deposit in the said Patsanstha. After maturing of the said fixed deposit, no amount is given to the informant. On that ground, F.I.R. is registered against the Director Board and employees of the said Patsanstha. The applicant is

one of the employee of the said Patsanstha.

3. It is the contention of the learned counsel for the applicant that the Directors and employees of the said Patsanstha have been released on anticipatory bail by this Court in applications filed by them. The applicant was the employee of the said Patsanstha. He has no concerned about return of the amount. It was decision of the Directors, hence custodial interrogation of the applicant is not required. The applicant is seeking anticipatory bail on the principle of parity and requested to allow the application.

4. It is the contention of the learned APP that the applicant was the employee of the said Patsanstha, who has cheated the informant by not returning his matured fixed deposit amount. Considering the allegations against the applicant, the custodial interrogation of the applicant is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R., police papers produced on record and orders passed by this Court in various anticipatory bail applications.

6. The Directors and employees of the Patsanstha have been made accused by the informant. Except the applicant other co-accused have been released on anticipatory bail. The applicant was employee of the Patsanstha. No specific allegations against the applicant are mentioned in the F.I.R. Considering these facts, the applicant is entitled for anticipatory bail on the principle of parity and I

pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.I-9 of 2021 registered with Shanishingnapur Police Station, Dist.Ahmednagar, for the offences punishable under sections 3, 4, 5, 6, 7, 8, 13 of the Maharashtra Protection of Interest of the Depositors (In Financial Establishments) Act, 1999 read with sections 402, 406, 408, 409, 417, 418, 419, 420, 421, 422, 423, 424, 426, 427, 465, 466, 468, 471, 474, 477, 477-A, 120-B, 107, 108, 109, 110, 111, 504, 506 read with 34 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.25,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

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