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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1124 OF 2024

Deepak s/o Laxman Buktare .. Applicant

versus

The State of Maharashtra & another .. Respondents

Mr. S. R. Bagal, Advocate or the Applicant.
Mr. S. B. Pulkundwar, APP for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO 163 OF 2024

Suryauddhav s/o Madhav
@ Mahdhu Khillare .. Applicant

versus

The State of Maharashtra & another .. Respondents

Mr. S. G. Kawade, Advocate for the Applicant.
Mr. S. B. Pulkundwar, APP for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO 224 OF 2024

Narendra alias Naresh Chandramuni Ingole .. Applicant

versus

The State of Maharashtra & another .. Respondents

Mr. B. K. Patil, Advocate for the Applicant.
Mr. S. B. Pulkundwar, APP for the State.

WITH

ANTICIPATORY BAIL APPLICATION NO. 2116 OF 2023

Varsha w/o Santosh Gacche & another .. Applicants

versus

The State of Maharashtra & another .. Respondents

Mr. B. N. Gadegaonkar, Advocate for the Applicants

Mr. S. B. Pulkundwar, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 1st AUGUST, 2024.

PER COURT :

1. Applicants are apprehending arrest in connection with Crime No. 0374/2023 for the offences punishable under Sections 406, 409, 120-B, 506, 420 read with Section 34 of Indian Penal Code and under Section 3 of Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1999, registered with Vazirabad Police Station, Nanded, Dist. Nanded.

2. Applicants are employees of Maharashtra Rajya Annadata Seva Kendra which is run by Shri Chhatrapati Shivaji Maharaj Bahuuddeshiya Sevabhavi Sanstha. Applicants are appointed as clerk or PRO. There is allegation in the First Information Report that mis-appropriation of funds has been done by the Administrators of the said society. Since the Applicants are

the employees of the said society, it is also alleged against them that they have conspired with the co-accused in the said mis-appropriation.

3. Learned counsel for Applicants submit that the Applicants are only employees of the said institution and had no right or authority to take any decision and as such they cannot be held to be responsible for the alleged mis-appropriation. It is also argued that informant is also one of the PROs engaged by the said institution and is similarly placed to some of the Applicants. It is further submitted that investigation into the crime is already over. Thus, it is their contention that custodial interrogation of the Applicants is not necessary. They claim to have no criminal history behind them.

4. Learned APP opposed the application by citing seriousness of the crime. It is however not disputed that investigation into the crime is complete.

5. Record indicates that the Applicants are the employees of the said institution and are not managing the same. This Court,

therefore, finds prima facie substance in the contention of learned counsel for the Applicants that Applicants may not have role to play in the alleged mis-appropriation. Apart from this, now, charge-sheet has been filed hence, custodial interrogation of the Applicants is not necessary. Liberty of the Applicants is protected by passing interim order. There is nothing on record to indicate the liberty was abused by them. Applicants have no criminal history behind them. They are not likely to abscond. Hence, Applications are allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb