



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1202 OF 2023

Bhaskar Anantha Magar

VERSUS

The State Of Maharashtra And Another

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- Mr. A. B. Jagtap, Advocate for the Applicant
- Ms. M. L. Sangit, APP for the Respondents/State

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CORAM : R.M. JOSHI, J

DATE : OCTOBER 15, 2024

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 218 of 2023 registered with Parner Police Station, Dist. Ahmednagar for the offences punishable under Section 408 of the Indian Penal Code.

2. There is allegation in the FIR that Applicant was working as the Secretary of the Society and it is alleged that on the basis of the audit report it is revealed that false entries were taken by the Applicant and that there is difference in the balance sheet to the extent of Rs. 15,23,514/-. There is further allegation against him that in respect of the loan granted to Appa Khanse and Dendge Pravin, there is

recovery of Rs. 33,20,417/-. It is alleged that the Applicant is responsible for the same and this amounts to misappropriation.

3. Learned Counsel for the Applicant has drawn attention of the Court to the audit report for the earlier period (page no. 69), which according to him, indicates that there is mistake in the said audit and difference has been wrongly shown as zero. He submits that later on said correction is made and, therefore, it seems that there is difference of Rs. 15,23,514/-. It is his submission that there is absolutely no material on record to indicate any misappropriation being done by the Applicant. He also drew attention of the Court to the resolution passed by the Society wherein it is categorically stated that the Applicant would not be responsible but it shall be the responsibility of the Chairman, if any misappropriation is found.

4. Learned APP opposed the application essentially relying upon the statement of Chairman of the Society as well as audit report. It is her

submission that the balance sheet of the Society of 13.01.2022 clearly indicates difference of amount of Rs. 15,23,514/-, which according to her is misappropriated amount.

5. *Prima facie* perusal of the record indicates that there were regular audits conducted in respect of account of the Society. As rightly pointed out by the learned Counsel for the Applicant, in one of the audit report it is wrongly mentioned as difference is zero instead of actual amount. Later on, the said difference is rightly shown. It is on this account the said difference is said to have been appeared on the record. In order to allege any misappropriation, there has to be some evidence on record to indicate so. Learned Counsel for the Applicant has relied upon the bank statement of Federal Bank as well as Society, which according to him, tallies without any difference.

6. Here is the case wherein there *prima facie* no material on record to indicate any misappropriation being caused by the Applicant in the Society in the capacity of Secretary. Applicant was granted interim

protection vide order dated 24.07.2023. He has appeared before the investigating agency and has cooperated in the investigation. Hence, this Court finds no reason to reject application. In the result, application is allowed by confirming interim order dated 24.07.2023.

(R.M. JOSHI, J.)